



CITY COUNCIL REGULAR AGENDA

Tuesday, December 13, 2022

Notice is hereby given that the City Council of the City of Big Spring, Texas will meet in Regular Session on Tuesday, December 13, 2022, at 5:30 PM at the City Council Chambers Located at 307 East 4th Street, Big Spring, Texas. **We welcome the public to attend the meeting via telecommunication. Citizens will be able to view the City Council Meeting on Our Local Channel 17 through Suddenlink or on Our Website <http://mybigspring.com/224/Channel-17-Live>.**

CITY COUNCIL MEETING ETIQUETTE

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

Thank you!

Open Session

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

Public Comment

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

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|--------------------------|-------|
| 4. Public Comment | Moore |
|--------------------------|-------|

Announcements, Presentations and Public Hearings

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

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|--|--------|
| 5. Presentation Over Section 3 Workers for Active TDA
TXCDBG Grant CDM21-0350 | Bowles |
| 6. PUBLIC HEARING – Consideration and Possible Action 9-55
Concerning Abatement of Public Nuisance, at 1801 JOHNSON,
BIG SPRING, TEXAS 79720 – N/2 OF LT 11 ALL LT 12, BK
2, COLLEGE HEIGHTS ADDITION – OWNER: NORA
GALVAN, 1801 JOHNSON, BIG SPRING, TEXAS 79720 | Hagen |
| 7. PUBLIC HEARING – Consideration and Possible Action 56-96
Concerning Abatement of Public Nuisance, at 1524 E 17TH
STREET, BIG SPRING, TEXAS 79720 – SC 5, BK 32 1S,
BROWN ADDITION – OWNER: SHERRI KELLEY, 1524 E
17TH STREET, BIG SPRING, TEXAS 79720 | Hagen |
| 8. PUBLIC HEARING – Consideration and Possible Action 97-
Concerning Abatement of Public Nuisance, at 1400 MESA, BIG 152
SPRING, TEXAS 79720 – LT 6, BK 5, MOUNTAIN VIEW
ADDITION – OWNER: INES JESUS GONZALES AND
KRISTINA GONZALES, 1400 MESA, BIG SPRING, TEXAS
79720 | Hagen |
| 9. PUBLIC HEARING – Consideration and Possible Action 153-
Concerning Abatement of Public Nuisance, at 101 AIRBASE 202
ROAD, BIG SPRING, TEXAS 79720 – W/40 S/100 OF LT 2 &
PART LT 4, BK 3, SETTLES HEIGHTS ADDITION –
OWNER: JAMES TUBBS, 101 AIRBASE ROAD, BIG SPRING,
TEXAS 79720 | Hagen |
| 10. PUBLIC HEARING – Consideration and Possible Action 203-
Concerning Abatement of Public Nuisance, at 202 230
WASHINGTON BLVD, BIG SPRING, TEXAS 79720 – LTS 4-
5, BK 9, WASHINGTON PLACE ADDITION – OWNER:
KATHRYN CRENSHAW MILCH, 202 WASHINGTON, BIG
SPRING, TEXAS 79720 | Hagen |
| 11. PUBLIC HEARING – Consideration and Possible Action 231-
Concerning Abatement of Public Nuisance, at 407 AUSTIN, BIG 264 | Hagen |

SPRING, TEXAS 79720 – LT 7, BK 58, ORIGINAL TOWN(BK3 PORTER) – OWNER: JUAN H PARRAS, 407 AUSTIN, BIG SPRING, TEXAS 79720

City Manager's Report

12. City Manager's report on the following items:

Darden

- Update on Large Item Pickup, District 5 - Nov. 16, 2022
- Large Item Pickup, District 6 - Dec. 21, 2022
- City Holidays - **Christmas**, Dec. 23rd & 26th; **New Year's Day**, Jan. 2nd
- Sanitation Schedule
- Festival of Lights began on Dec. 4th
- Reminder of Upcoming Meeting - Howard County Day, Jan. 25 & 26, 2023; Chamber Banquet, Feb. 16, 2023; Summit Meeting, Feb. 28, 2023
- Update on I-27 Meeting
- Resolution Received from Howard College

Consent Items

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|---|-------------|-------------|
| 13. Approval of the City Council Minutes of the Two Regular Meetings of November 08, 2022 and of the Special Meeting of November 9, 2022. | 265-
277 | Davis |
| 14. Acknowledge Receipt of the Big Spring Economic Development Corporation Board of Director's Minutes for the Regular Meeting of October 11, 2022. | 278-
279 | Mark Willis |
| 15. Final Reading of an Ordinance Amending Ordinance Number 038-2022 Which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023 by Increasing the Special Revenue Fund, Senior Center, Budget for the Purpose of Purchasing a New Vehicle for the Senior Center; Providing for Repeal of Ordinances in Conflict Herewith; Providing for Publication; and Providing an Effective Date | 280-
282 | Lewis |
| 16. Final Reading of an Ordinance Amending Ordinance Number 038-2022 Which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023 by Increasing the | 283-
284 | Bowles |

Utility Fund Budget for the Purpose of Purchasing a Jetter Trailer; Providing for Repeal of Ordinances in Conflict Herewith; Providing for Publication; and Providing an Effective Date

- | | | |
|--|-------------|--------|
| 17. Final Reading of an Ordinance Authorizing Z-22-03, Amending the Big Spring Zoning Ordinance by Rezoning Approximately 4.58 Acres Out of Sec. 45, Blk 32, T-1-N, T & P R.R. Co. Survey, in Big Spring, Howard County, Texas from SF-2, Single-Family Dwelling District to PD, Planned Development for Housing; Providing for Severability; Providing for Publication; and Providing an Effective Date | 285-
286 | Bowles |
|--|-------------|--------|

Other Business

- | | | |
|---|-------------|--------|
| 18. Final Reading of an Ordinance of the City Council of the City of Big Spring, Texas, Amending the Big Spring Zoning Ordinance, Article 2 "Definitions," Section 2-1 "Definition of Words and Terms" by Adding a New Definition "Transitional Housing" and Amending Article 7 "Special Applications," Section 7-2 "Specific Use Permits," Subsection b(72) to Add Transitional Housing for Temporary Lodging on a Non-Profit Basis for Persons Undergoing Services to Those Uses Requiring a Specific Use Permit in Certain Zoning Districts; Providing for Severability; Providing for Publication; and Providing an Effective Date. | 287-
289 | Bowles |
|---|-------------|--------|

Vouchers

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|---|--|----------|
| 19. Vouchers for 11/10/22 \$ 1,004,246.54
Vouchers for 11/17/22 \$ 275,791.27
Manual Cks. \$ 1,868,293.77 | | Tompkins |
| 20. Vouchers for 12/01/22 \$ 797,945.25
Vouchers for 12/08/22 \$ 609,699.12
Manual Ck. \$ 595,229.29 | | M. Smith |

Bids

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|---|-------------|----------|
| 21. Consideration and Possible Action on Awarding a Bid for Debt Collection Services and Authorizing the City Manager or His Designee to Execute any Necessary Documents | 290 | S. Smith |
| 22. Consideration and Possible Action on Awarding a Bid for Upfitting of Budgeted Ford Police Interceptor Units and Authorizing the City Manager or His Designee to Execute any | 291-
295 | Williams |

Necessary Documents

- | | | | |
|-----|--|-------------|--------|
| 23. | Consideration and Possible Action on Awarding a Bid for 10 (ten) 30 Yard Trash Containers and Authorizing the City Manager or His Designee to Execute any Necessary Documents | 296 | Medina |
| 24. | Consideration and Possible Action on Awarding a Bid for a 72" John Deere Zero Turn Mower for the Waste Water Treatment Plant and Authorizing the City Manager or His Designee to Execute any Necessary Documents | 297 | Medina |
| 25. | Consideration and Possible Action on Awarding a Bid for a John Deere Gator for the Airpark Department and Authorizing the City Manager or His Designee to Execute any Necessary Documents | 298 | Medina |
| 26. | Consideration and Possible Action on Awarding a Bid for a 2022 Kubota UTV for Waste Water Treatment Plant and Authorizing the City Manager or His Designee to Execute any Necessary Documents | 299 | Medina |
| 27. | Consideration and Possible Action on Awarding a Bid for Two (2) 7 Ton Capacity Tilt Trailers for the Distribution and Collections Department and Authorizing the City Manager or His Designee to Execute any Necessary Documents | 300 | Medina |
| 28. | Consideration and Possible Action on Awarding a Bid for the Asbestos Abatement and Demolition of the Mid-Tex Property and Authorizing the City Manager or His Designee to Execute any Necessary Documents | 301-
302 | Medina |
| 29. | Consideration and Possible Action on Awarding a Bid for LED Lighting at the Roy Anderson Sports Complex and Authorizing the City Manager or His Designee to Execute any Necessary Documents | 303-
310 | Medina |

New Business

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|-----|---|-----|----------|
| 30. | Acknowledge Receipt of the Quarterly Claims and Litigation Report from the City Attorney | | Hagen |
| 31. | Consideration and Possible Action to Accept a Donation from the Broughton Foundation to the Police Department. | 311 | Williams |
| 32. | Consideration and Possible Action to Accept a Donation from Scott Emerson to the Police/Animal Control Department | | Moore |

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|-----|--|---------|----------|
| 33. | First Reading of an Ordinance Amending Ordinance Number 038-2022 Which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023 by Increasing the General Fund Budget for the Purpose of Additional Funding for the Roy Anderson Sports Complex Lighting Project; Providing for Repeal of Ordinances in Conflict Herewith; Providing for Publication; and Providing an Effective Date | 312-314 | Lewis |
| 34. | First Reading of an Ordinance Amending Ordinance Number 038-2022 Which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023 by Increasing the General Fund Budget for the Purpose of Purchasing a Key/Equipment Locker System for the Police Department; Providing for Repeal of Ordinances in Conflict Herewith; Providing for Publication; and Providing an Effective Date | 315-316 | Williams |
| 35. | First Reading of an Ordinance Amending Ordinance Number 038-2022 which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023 by Transferring Capital Funds Within the Airpark Fund Budget for the Purpose of Purchasing a Utility Vehicle; Providing for Repeal of Ordinances in Conflict Herewith; Providing for Publication; and Providing an Effective Date | 317-319 | Feeley |
| 36. | First Reading of an Ordinance Amending Ordinance Number 038-2022 which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023 by Increasing the Motel Tax Fund Budget for the Purpose of Increasing the Dues and Subscription Account; Providing for Repeal of Ordinances in Conflict Herewith; Providing for Publication; and Providing an Effective Date | 320-322 | Lewis |
| 37. | First Reading of an Ordinance Amending Ordinance Number 038-2022 which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023 by Increasing the General Fund Budget for the Purpose of a Cleanup Regarding some Cross Contamination Caused by Pigeons in Several Areas Above the City Council Chambers; Providing for Repeal of Ordinances in Conflict Herewith; Providing for Publication; and Providing an Effective Date | 323-338 | Medina |

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|---|---------|----------|
| 38. First Reading of an Ordinance Amending Ordinance Number 038-2022 Which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023 by Transferring Capital Funds into Expense Accounts for the Purpose of Leasing Vehicles Through the Enterprise Lease Program for Various Departments; Providing for Repeal of Ordinances in Conflict Herewith; Providing for Publication; and Providing an Effective Date | 339-342 | Medina |
| 39. First Reading of an Ordinance Amending the Big Spring City Code, Chapter 48, "Traffic and Vehicles" Article VI "Wreckers,," by Renaming the Article "Tow Trucks," and amending the Article to Adjust Towing Fees, Modify Regulations, Set Penalties; Prohibit Violations of the Article; Provide for Hearings; and Lift Suspensions of Any Towing Companies Issued Prior to the Effective Date of the Ordinance; Providing for Severability; Providing for Publication; and Providing an Effective Date | 343-371 | Williams |
| 40. Consideration and Possible Action of a First Amendment to the Service Agreement with TML Health Benefits Pool (TMLHBP) for Administrative Services for Employee Health Insurance and Authorizing the City Manager or His Designee to Execute any Necessary Documents | 372-382 | Medina |
| 41. Consideration and Possible Action to Form and Appoint the Charter Review Committee with the Intent of Reviewing and Recommending Amendments to the Charter of the City of Big Spring Pursuant to the Article XIII of the Charter | | Ornelas |
| 42. Discussion Without the Possibility of Action Concerning Whether City Council Should Direct that Signs be Posted At and During City Council Meetings to Disallow the Carrying of Handguns—Openly or Concealed—by Those Holding a License to Carry; to Authorize the City Manager to Provide Oral or Written Communications to Persons to Disallow Such Carrying; or To Direct that Such Notice Not Be Given. | | Hughes |

Boards & Committees

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|---|-----|-------|
| 43. Big Spring Economic Development Board
Shane Seaton - Acceptance of Resignation Letter Effective December 31, 2022 | 383 | Moore |
|---|-----|-------|

44. Anna Scott - Nominated by Council Member Yanez, Dist. 2, Effective January 1, 2023 Moore
45. **Zoning Board of Adjustments** Moore
Veronica Zuniga - Nominated for Reappointment by Council Member Tompkins, Dist. 5
46. **ADJOURN** Moore

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

I hereby certify that this agenda was posted on the official bulletin board at the City of Big Spring, City Hall Building, located outside 310 Nolan Street. Given by order of the City Council and **Posted on Friday, December 9, 2022 at 5:00 p.m.** in accordance with Title 5, Texas Government Code and Chapter 551.

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


Tami L. Davis, City Secretary

THE MEETING FACILITY IS ACCESSIBLE TO DISABLED PERSONS. ANY DISABLED PERSON NEEDING SPECIAL ACCOMMODATION OR A HEARING IMPAIRED PERSON WISHING TO HAVE AN INTERPRETER SHOULD REQUEST SERVICES AT LEAST 48 HOURS PRIOR TO THE SCHEDULED MEETING BY CONTACTING TAMI DAVIS AT 432-264-2513 OR EMAIL: TDAVIS@MYBIGSPRING.COM.

STATE OF TEXAS

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COUNTY OF HOWARD

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**AFFIDAVIT OF MALISSA GARCIA
CONCERNING 1801 JOHNSON STREET**

BEFORE ME, the undersigned authority, on this day, personally appeared **MALISSA GARCIA**, who, being by me duly sworn, deposed as follows:

“My name is **MALISSA GARCIA**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

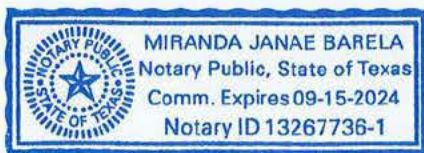
“I am a code compliance official for the City of Big Spring, Texas. In the course of my duties, I inspect properties for compliance with Texas state law and the ordinances of the City of Big Spring. I am an employee of the City of Big Spring and am familiar with the manner in which its records are created and maintained by virtue of my duties and responsibilities. Attached are pages of records relating to the Code Compliance Case for **1801 JOHNSON STREET**, Big Spring, Texas. These are exact duplicates of original records. The records were made at or near the time of each act, event, or finding set forth. The records were made by, or from information transmitted by, persons with knowledge of the matters set forth. The records were kept in the course of regularly conducted business activity. It is the regular practice of the business activity to make the records.”

SIGNED on the 7TH day of DECEMBER, 2022.

Malissa Garcia
AFFIANT

SWORN TO AND SUBSCRIBED before me this 7TH day of DECEMBER, 2022 by the above referenced Affiant.

Miranda Barela
Notary Public, State of Texas



STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
CONCERNING THE IDENTITY AND ADDRESS OF
OWNER, LIENHOLDER, OR MORTGAGEE**

"I made a reasonable effort to determine the identity and address of an owner, lienholder,
or mortgagee of the property described as:

Lot **N/2 OF LT 11 ALL OF LT 12**, Block **2** in the College Heights Addition of
Big Spring, Howard County, Texas, also known as **1801 JOHNSON STREET**,
Big Spring, Texas

by searching the following records:

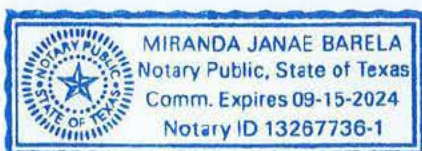
1. county real property records of the county in which the building is located;
2. appraisal district records of the appraisal district in which the building is located;
3. records of the secretary of state;
4. assumed name records of the county in which the building is located;
5. tax records of the municipality; and
6. utility records of the municipality.

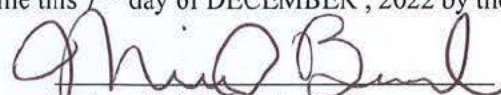
Using the above-described records, I verified that **JUAN AND NORA GALVAN** are the
owners of the property located at the above-described premises and their mailing address is **3210
WEST KANSAS AVE APT A**, Midland, Midland County, Texas, as shown in **Exhibit A-1**.

SIGNED on the 7TH day of DECEMBER, 2022.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 7TH day of DECEMBER, 2022 by the above
referenced Affiant.




Notary Public, State of Texas

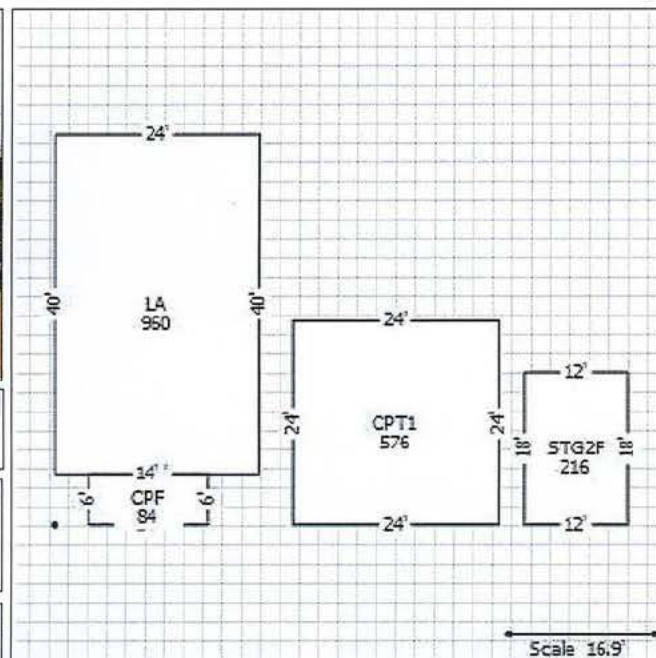
HOWARD COUNTY APPRAISAL DISTRICT (2023)

Property ID : R000002670

Geo ID : B2910002100

1/1

Ownership GALVAN NORA 3210 W KANSAS AVE APT A MIDLAND, TX 79701	Exemptions/Deed
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Legal Information LEGAL: N/2 OF LT 11 ALL LT 12 BK 2 COLLEGE HEIGHTS 75X140 856 BLK/TRACT 32 1S 0.241 ACRES SITUS: 1801 JOHNSON ACRES:0.241 ALT:2670 XREF:2670.1
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Appraisal Coding	
Appr By JD	Appr Dt 11/03/21
Check By	Check Dt

Sale Dt	Type	Vol	Page	Inst	Deed Dt	Price	Value@Sale	Grantee	Grantor

Agent	Mortgage	Geo Quad	Aerial	Map Id	Use
		0			

Building Code	Hs	Year/Elf Yr	Class	Sqft	Cpsf	Buildings	Features	Depreciation %	Condition	%	Fn%	Ec%	Cpl%	Loc%	Net Adj%	Value	Feature Code	Cpsf / Value
LA-LIVING AREA	Y	1928/NA	RS2F	960	90.48	86,861	0 FA	-75%	0%	0%	0%	0%	100%	0%	-75.0%	21,715	AST-1 STORY	0
CPF-COVERED PORCH FR	Y	1928/NA	RS2F	84	13.57	1,140	0 FA	-75%	0%	0%	0%	0%	100%	0%	-75.0%	285	AUT-ALL	0
STG2F-AVG QUALITY ST	Y	2005/NA	RS2F	216	11.00	2,376	0 FA	-75%	0%	0%	0%	0%	100%	0%	-75.0%	594	CRM-COMPOSITION	0
CPT1-CARPORT LOW QUA	Y	2009/NA	RS2F	576	6.23	3,588	0 FA	-75%	0%	0%	0%	0%	100%	0%	-75.0%	897	FET-FRAME	0
				-----		-----										-----		
				1,836		93,965	0									23,491	GRT-GABLE	0
																	PFN-PIER AND BE	0
																	WHC-WINDOW UNIT	0
																	=====	0

SQFT MA: 960 NKT CSF MA: 29.939 CSF IMPR: 24.47 LOC CODE: GE

Land Code	Units / Alt Units	Cpu	Cpu Cd	Mkt Cpu	Adjustment Codes	Adj%	Adj Amt	Hs	Mkt Value	Ptd Prd	Prod Code	Prod Use	Yr Grant	Units	Cpu	Spec Value
LFF18	75.0 FF/75.0 RF/140.0 DF LOTS	70.0		70.00		0%		N	5,250	A1						
									=====							=====
									5,250							0

Comments

	2023	Ptd	Change +/-	Prior	2022	Ptd	Entity / Description	Exemption	Txbl Value	Rate Per \$100	Frz Yr	Ext. Tax Levy	Nbh Coding	Misc Coding
Impr Homesite +	23,491	A1	0	23,491	A1		01H HOWARD COUNTY	0	28,741	.3275450		94.14		BSISDE
Land Non Homesite +	5,250	A1	0	5,250	A1		02B CITY OF BIG SPRING	0	28,741	.6731630		193.47		GE22
Total Market =	28,741		0	28,741			03B BIG SPRING ISD	0	28,741	1.0160000		292.01		
Assessed =	28,741		0	28,741			052 HOWARD COLLEGE	0	28,741	.2367770		68.05		
							** ESTIMATED TOTAL					=====		
												647.67		

User PERMITS2

Print Date 8/5/2022 4:55:13 PM

Property ID : R000002670

Geo ID : B2910002100

Quick Link:



EXHIBIT A-1 1 OF 1

STATE OF TEXAS

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COUNTY OF HOWARD

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CERTIFICATION
1801 JOHNSON STREET CASE NOTES

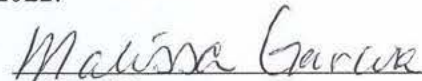
“This record, attached as **Exhibit A-2**, was made at or near the time by – or from information transmitted by a person or persons with the City with knowledge.

This record was kept in the course of a regularly conducted business activity of the Code Compliance Department of the City of Big Spring, Texas.

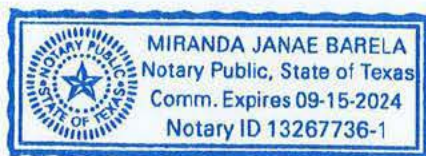
Making this record was a regular practice of that activity.

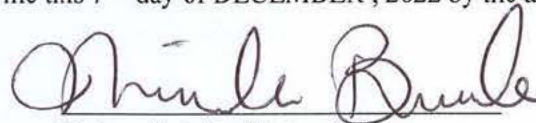
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout certain data.
7. I used the proper procedures to obtain the readout.
8. The computer was in working order at the time I obtained the readout.
9. I recognize the attached **Exhibit A-2** as the readout.”

SIGNED on the 7TH day of DECEMBER, 2022.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 7TH day of DECEMBER, 2022 by the above referenced Affiant.




Notary Public, State of Texas

10-10-2022 10:26 AM
TASK #: 112207
TASK CODE: INSPECT ACCUMULATED
PROPERTY: 1801 JOHNSON ST

TASK NOTES REPORT

ORIG. DATE:
DUE DATE:

NOTES

Incident Notes:

Task #: 112207 - INSPECT ACCUMULATED - 8/05/2022
8-4-2022 2:31pm DAN HENDRICKSON MADE CONTACT WITH JUAN GALVAN. Dan informed Juan that his house was burnt down and that code enforcement would be in contact with him
8-5-2022 3:31pm I made contact with Mr Galvan and he informed me that he didn't know how he would get this property cleaned up, he also said he didn't have insurance. I gave him some numbers of contractors and let him know if he wanted to sign a waiver for us to clean up that would also be an option. i emailed him at [REDACTED] with waiver so he could look over it and decide what he would like to do.
[REDACTED] [REDACTED] [REDACTED]
9-7-2022 JUAN CALLED AND INFORMED ME AT 4:20, HE WILL GET WAIVER SIGNED AND EMAILED TO ME THIS WEEK SO WE CAN GET PROPERTY CLEANED UP
10-10-2022 haven't got waiver signed by Nora Galvan will send to get abated

Task #: 112208 - ACCUMULATED ITEMS - 8/05/2022

STATE OF TEXAS

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COUNTY OF HOWARD

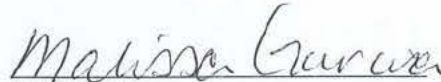
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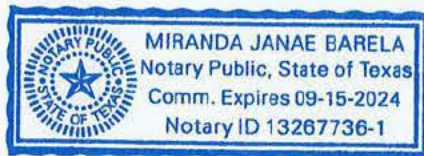
**CERTIFICATION
FIRE MARSHAL'S FIRE REPORT**

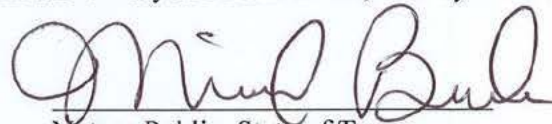
"The fire report, attached as **Exhibit A-3**, presents factual findings from a legally authorized investigation of the Fire Marshal. The document is a copy of the official record."

SIGNED on the 7TH day of DECEMBER, 2022.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 7TH day of DECEMBER, 2022 by the above referenced Affiant.




Notary Public, State of Texas

A FDID ☐ TX ☐ MM 08 DD 04 YYYY 2022 Station ☐ Incident Number 0001318 Exposure 000 ☐ Delete ☐ Change ☐ No Activity NFIRS-1 Basic			
B Location Type ☐ Check this box to indicate that the address for this incident is provided on the Wildland Fire Module in Section B, "Alternative Location Specification." Use only for wildland fires. Census Tract ☐ - ☐ ☒ Street address ☐ Intersection ☐ In front of ☐ Rear of ☐ Adjacent to ☐ Directions ☐ U.S. National Grid 1801 Johnson Big Spring TX 79720			
C Incident Type ☐ 111 Building fire	E1 Dates and Times Midnight is 0000 Month Day Year Hour Min Alarm 08 04 2022 1311 Arrival 1320 Controlled Last Unit Cleared 1638	E2 Shifts and Alarms Local Option Shift or Platoon 1 Alarms 002	
D Aid Given or Received ☒ None 1 ☐ Mutual aid received 2 ☐ Auto. aid received 3 ☐ Mutual aid given 4 ☐ Auto. aid given 5 ☐ Other aid given	E3 Special Studies Local Option Special Study ID# Special Study Value		
F Actions Taken ☐ Extinguishment by 11 fire service personnel Primary Action Taken (1) 12 Salvage & overhaul Additional Action Taken (2) Additional Action Taken (3)	G1 Resources ☐ Check this box and skip this block if an Apparatus or Personnel Module is used. Apparatus Personnel Suppression EMS Other ☐ Check box if resource counts include aid received resources.	G2 Estimated Dollar Losses and Values LOSSES: Required for all fires if known. Optional for non-fires. None Property \$ 000, 040, 000 Contents \$, , PRE-INCIDENT VALUE: Optional Property \$ 000, 040, 000 Contents \$, ,	
Completed Modules ☒ Fire-2 ☒ Structure Fire-3 ☐ Civilian Fire Cas.-4 ☐ Fire Service Cas.-5 ☐ EMS-6 ☐ HazMat-7 ☐ Wildland Fire-8 ☒ Apparatus-9 ☒ Personnel-10 ☐ Arson-11	H1 Casualties ☒ None Deaths Injuries Fire Service Civilian H2 Detector Required for confined fires. 1 ☐ Detector alerted occupants 2 ☐ Detector did not alert them U ☐ Unknown	H3 Hazardous Materials Release ☐ None 1 ☐ Natural gas: slow leak, no evacuation or HazMat actions 2 ☐ Propane gas: <21-lb tank (as in home BBQ grill) 3 ☐ Gasoline: vehicle fuel tank or portable container 4 ☐ Kerosene: fuel burning equipment or portable storage 5 ☐ Diesel fuel/fuel oil: vehicle fuel tank or portable storage 6 ☐ Household solvents: home/office spill, cleanup only 7 ☐ Motor oil: from engine or portable container 8 ☐ Paint: from paint cans totaling <55 gallons 0 ☐ Other: special HazMat actions required or spill > 55 gal (Please complete the HazMat form.)	I Mixed Use Property ☐ Not mixed 10 ☐ Assembly use 20 ☐ Education use 33 ☐ Medical use 40 ☐ Residential use 51 ☐ Row of stores 53 ☐ Enclosed mall 58 ☐ Business & residential 59 ☐ Office use 60 ☐ Industrial use 63 ☐ Military use 65 ☐ Farm use 00 ☐ Other mixed use
J Property Use ☐ None Structures 131 ☐ Church, place of worship 161 ☐ Restaurant or cafeteria 162 ☐ Bar/Tavern or nightclub 213 ☐ Elementary school, kindergarten 215 ☐ High school, junior high 241 ☐ College, adult education 311 ☐ Nursing home 331 ☐ Hospital Outside 124 ☐ Playground or park 655 ☐ Crops or orchard 669 ☐ Forest (timberland) 807 ☐ Outdoor storage area 919 ☐ Dump or sanitary landfill 931 ☐ Open land or field	341 ☐ Clinic, clinic-type infirmary 342 ☐ Doctor/Dentist office 361 ☐ Prison or jail, not juvenile 419 ☒ 1- or 2-family dwelling 429 ☐ Multifamily dwelling 439 ☐ Rooming/Boarding house 449 ☐ Commercial hotel or motel 459 ☐ Residential, board and care 464 ☐ Dormitory/Barracks 519 ☐ Food and beverage sales 936 ☐ Vacant lot 938 ☐ Graded/Cared for plot of land 946 ☐ Lake, river, stream 951 ☐ Railroad right-of-way 960 ☐ Other street 961 ☐ Highway/Divided highway 962 ☐ Residential street/driveway		539 ☐ Household goods, sales, repairs 571 ☐ Gas or service station 579 ☐ Motor vehicle/boat sales/repairs 599 ☐ Business office 615 ☐ Electric-generating plant 629 ☐ Laboratory/Science laboratory 700 ☐ Manufacturing plant 819 ☐ Livestock/Poultry storage (barn) 882 ☐ Non-residential parking garage 891 ☐ Warehouse 981 ☐ Construction site 984 ☐ Industrial plant yard

Look up and enter a Property Use code and description only if you have NOT checked a Property Use box.

Property Use

Code

Property Use Description

K1 Person/Entity Involved

Local Option

Business Name (if applicable)

Area Code

Phone Number

☐ Check this box if same address as incident location (Section B). Then skip the three duplicate address lines.

Mr., Ms., Mrs.

First Name

MI

Last Name

Suffix

Number

Prefix

Street or Highway

Street Type

Suffix

Post Office Box

Apt./Suite/Room

City

State

ZIP Code

☐ More people involved? Check this box and attach Supplemental Forms (NFIRS-1S) as necessary.

K2 Owner

Local Option

☐ Same as person involved? Then check this box and skip the rest of this block.

Business Name (if applicable)

Area Code

Phone Number

☐ Check this box if same address as incident location (Section B). Then skip the three duplicate address lines.

Mr., Ms., Mrs.

First Name

MI

Last Name

Suffix

Number

Prefix

Street or Highway

Street Type

Suffix

Post Office Box

Apt./Suite/Room

City

State

ZIP Code

L**Remarks:**

The incident narrative is printed on the Supplemental Form.

☒ More remarks? Check this box and attach Supplemental Forms (NFIRS-1S) as necessary.

M Authorization

Check box if same as Officer in charge. ☒

Officer in charge ID

0602

Signature

Position or rank

Lt

Assignment

Month

08

Day

04

Year

2022

Member making report ID

0602

Signature

Position or rank

Lt

Assignment

Month

08

Day

04

Year

2022

A	FDID	State	MM	DD	YYYY	Station	Incident Number	Exposure	☐ Delete ☐ Change	NFIRS-1S Supplemental
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K1 Person/Entity Involved
 Local Option Business Name (if applicable) Area Code Phone Number
☐ Check this box if same address as incident location. Then skip these three duplicate address lines.

Mr., Ms., Mrs.	First Name	MI	Last Name	Suffix
Number	Prefix	Street or Highway		Street Type
Post Office Box		Apt./Suite/Room		City
State	ZIP Code			

K1 Person/Entity Involved
 Local Option Business Name (if applicable) Area Code Phone Number
☐ Check this box if same address as incident location. Then skip these three duplicate address lines.

Mr., Ms., Mrs.	First Name	MI	Last Name	Suffix
Number	Prefix	Street or Highway		Street Type
Post Office Box		Apt./Suite/Room		City
State	ZIP Code			

K1 Person/Entity Involved
 Local Option Business Name (if applicable) Area Code Phone Number
☐ Check this box if same address as incident location. Then skip these three duplicate address lines.

Mr., Ms., Mrs.	First Name	MI	Last Name	Suffix
Number	Prefix	Street or Highway		Street Type
Post Office Box		Apt./Suite/Room		City
State	ZIP Code			

K1 Person/Entity Involved
 Local Option Business Name (if applicable) Area Code Phone Number
☐ Check this box if same address as incident location. Then skip these three duplicate address lines.

Mr., Ms., Mrs.	First Name	MI	Last Name	Suffix
Number	Prefix	Street or Highway		Street Type
Post Office Box		Apt./Suite/Room		City
State	ZIP Code			

K1 Person/Entity Involved
 Local Option Business Name (if applicable) Area Code Phone Number
☐ Check this box if same address as incident location. Then skip these three duplicate address lines.

Mr., Ms., Mrs.	First Name	MI	Last Name	Suffix
Number	Prefix	Street or Highway		Street Type
Post Office Box		Apt./Suite/Room		City
State	ZIP Code			

E3**Supplemental Special Studies**

Local Option

**NFIRS-1S
Supplemental**

1

Special
Study ID#Special
Study Value

2

Special
Study ID#Special
Study Value

3

Special
Study ID#Special
Study Value

4

Special
Study ID#Special
Study Value

5

Special
Study ID#Special
Study Value

6

Special
Study ID#Special
Study Value

7

Special
Study ID#Special
Study Value

8

Special
Study ID#Special
Study Value

NFIRS-1S Revision 01/01/04

L**Remarks:**

Local Option

Steve Davenport

August 4, 2022 21:19:32

R2, E3, E5, M5, Battalion 1 responded to above location for report of smoke coming from house. 502 arrived on scene first and advised fully involved structure. no occupants noted. no immediate threat to surrounding structures. 200' 1 3/4" line pulled from R2 and 150' 1 3/4" line pulled from E5. R2 line went to alpha side and E5 went to delta side of structure. 100' of 5" was pulled and attached to hydrant at corner and 18th and Jonson. water supply laid to E5 and 2 1/2" stretched from E5 manifold to R2. Deck gun from E5 was applied to alpha side attic space. called for Oncor due to power still connected to house. Majority of fire was knocked down with above named applications. Code enforcement on scene cleared calling for heavy equipment to facilitate taking structure to the ground for safety concerns. oncor arrived on scene at same time as streets with equipment. Electric drop was removed and structure was pushed inwards on top of itself. Master stream was applied to structure after being knocked in and areas around the outside were cooled with 1 3/4" handlines.

Fire Marshall Hendrickson advised that this was a known drug house by the BSPD>

A	FDID	TX	MM	DD	YYYY	Station	Incident Number	Exposure	☐ Delete ☐ Change	NFIRS-2 Fire
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B Property Details B1 ☐ Not Residential Estimated number of residential living units in building of origin whether or not all units became involved. B2 ☐ Buildings not involved Number of buildings involved B3 ☒ None ☐ Less than one acre Acres burned (outside fires)	C On-Site Materials or Products ☐ None Complete if there were any significant amounts of commercial, industrial, energy, or agricultural products or materials on the property, whether or not they became involved. Enter up to three codes. Check one box for each code entered. On-site material (1) On-site material (2) On-site material (3) On-Site Materials Storage Use 1 ☐ Bulk storage or warehousing 2 ☐ Processing or manufacturing 3 ☐ Packaged goods for sale 4 ☐ Repair or service U ☐ Undetermined 1 ☐ Bulk storage or warehousing 2 ☐ Processing or manufacturing 3 ☐ Packaged goods for sale 4 ☐ Repair or service U ☐ Undetermined 1 ☐ Bulk storage or warehousing 2 ☐ Processing or manufacturing 3 ☐ Packaged goods for sale 4 ☐ Repair or service U ☐ Undetermined
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D Ignition D1 ☐ Undetermined Area of fire origin D2 ☐ Undetermined Heat source D3 ☐ Undetermined Item first ignited ☐ Check box if fire spread was confined to object of origin. D4 Type of material first ignited Required only if item first ignited code is 00 or <70.	E1 Cause of Ignition ☒ ☐ Check box if this is an exposure report. ➡ Skip to Section G 1 ☐ Intentional 2 ☐ Unintentional 3 ☐ Failure of equipment or heat source 4 ☐ Act of nature 5 ☒ Cause under investigation U ☐ Cause undetermined after investigation E2 Factors Contributing to Ignition ☐ None ☐ Undetermined Factor contributing to ignition (1) Factor contributing to ignition (2)	E3 Human Factors Contributing to Ignition ☒ None Check all applicable boxes 1 ☐ Asleep 2 ☐ Possibly impaired by alcohol or drugs 3 ☐ Unattended person 4 ☐ Possibly mentally disabled 5 ☐ Physically disabled 6 ☐ Multiple persons involved 7 ☐ Age was a factor Estimated age of person involved 1 ☐ Male 2 ☐ Female
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F1 Equipment Involved in Ignition ☐ None ➡ If equipment was not involved, skip to Section G. Equipment Involved Brand Model Serial # Year	F2 Equipment Power Source Equipment Power Source F3 Equipment Portability 1 ☐ Portable 2 ☐ Stationary Portable equipment normally can be moved by one or two persons, is designed to be used in multiple locations, and requires no tools to install.	G Fire Suppression Factors ☐ None Enter up to three codes. Fire suppression factor (1) Fire suppression factor (2) Fire suppression factor (3)
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H1 Mobile Property Involved ☐ None 1 ☐ Not involved in ignition, but burned 2 ☐ Involved in ignition, but did not burn 3 ☐ Involved in ignition and burned Mobile property model License Plate Number State VIN Structure fire? Please be sure to complete the Structure Fire form (NFIRS-3).	H2 Mobile Property Type and Make Mobile property type Mobile property make Year	Local Use ☐ Pre-Fire Plan Available Some of the information presented in this report may be based upon reports from other agencies: ☐ Arson report attached ☐ Police report attached ☐ Coroner report attached ☐ Other reports attached _____ _____ _____ _____
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I1 Structure Type ☆ If fire was in an enclosed building or a portable/mobile structure, complete the rest of this form. 1 ☒ Enclosed building 2 ☐ Portable/mobile structure 3 ☐ Open structure 4 ☐ Air-supported structure 5 ☐ Tent 6 ☐ Open platform (e.g., piers) 7 ☐ Underground structure (work areas) 8 ☐ Connective structure (e.g., fences) 0 ☐ Other type of structure	I2 Building Status ☆ 1 ☐ Under construction 2 ☐ In normal use 3 ☐ Idle, not routinely used 4 ☐ Under major renovation 5 ☐ Vacant and secured 6 ☒ Vacant and unsecured 7 ☐ Being demolished 0 ☐ Other U ☐ Undetermined	I3 Building Height ☆ Count the roof as part of the highest story. 001 Total number of stories at or above grade. 00 Total number of stories below grade.	I4 Main Floor Size ☆ 00, 000, 600 Total square feet OR 0, 030 BY 0, 020 Length in feet Width in feet
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NFIRS-3
Structure
Fire

J1 Fire Origin ☆ 001 Story of fire origin ☐ Below grade	J3 Number of Stories Damaged by Flame ☆ Count the roof as part of the highest story. Number of stories w/minor damage (1 to 24% flame damage) Number of stories w/significant damage (25 to 49% flame damage) Number of stories w/heavy damage (50 to 74% flame damage) 001 Number of stories w/extreme damage (75 to 100% flame damage)	K Type of Material Contributing Most to Flame Spread ☆ ☐ Check if no flame spread OR if same as Material First Ignited (Block D4, Fire Module) OR if unable to determine. Skip to Section L K1 _____ Item contributing most to flame spread K2 _____ Type of material contributing most to flame spread Required only if item contributing code is 00 or <70.
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L1 Presence of Detectors ☆ (In area of the fire) N ☒ None Present 1 ☐ Present U ☐ Undetermined Skip to Section M	L3 Detector Power Supply ☆ 1 ☐ Battery only 2 ☐ Hardwire only 3 ☐ Plug-in 4 ☐ Hardwire with battery 5 ☐ Plug-in with battery 6 ☐ Mechanical 7 ☐ Multiple detectors & power supplies 0 ☐ Other U ☐ Undetermined	L5 Detector Effectiveness ☆ Required if detector operated. 1 ☐ Alerted occupants, occupants responded 2 ☐ Alerted occupants, occupants failed to respond 3 ☐ There were no occupants 4 ☐ Failed to alert occupants U ☐ Undetermined
L2 Detector Type ☆ 1 ☐ Smoke 2 ☐ Heat 3 ☐ Combination smoke and heat 4 ☐ Sprinkler, water flow detection 5 ☐ More than one type present 0 ☐ Other U ☐ Undetermined	L4 Detector Operation ☆ 1 ☐ Fire too small to activate 2 ☐ Operated 3 ☐ Failed to operate U ☐ Undetermined Complete Block L5	L6 Detector Failure Reason ☆ Required if detector failed to operate. 1 ☐ Power failure, shutoff, or disconnect 2 ☐ Improper installation or placement 3 ☐ Defective 4 ☐ Lack of maintenance, includes not cleaning 5 ☐ Battery missing or disconnected 6 ☐ Battery discharged or dead 0 ☐ Other U ☐ Undetermined

M1 Presence of Automatic Extinguishing System ☆ N ☒ None Present 1 ☐ Present 2 ☐ Partial System Present U ☐ Undetermined Complete rest of Section M	M3 Operation of Automatic Extinguishing System ☆ Required if fire was within designed range. 1 ☐ Operated/effective (go to M4) 2 ☐ Operated/Not effective (go to M4) 3 ☐ Fire too small to activate 4 ☐ Failed to operate (go to M5) 0 ☐ Other U ☐ Undetermined	M5 Reason for Automatic Extinguishing System Failure ☆ Required if system failed or not effective. 1 ☐ System shut off 2 ☐ Not enough agent discharged 3 ☐ Agent discharged but did not reach fire 4 ☐ Wrong type of system 5 ☐ Fire not in area protected 6 ☐ System components damaged 7 ☐ Lack of maintenance 8 ☐ Manual intervention 0 ☐ Other U ☐ Undetermined
M2 Type of Automatic Extinguishing System ☆ Required if fire was within designed range of AES. 1 ☐ Wet-pipe sprinkler 2 ☐ Dry-pipe sprinkler 3 ☐ Other sprinkler system 4 ☐ Dry chemical system 5 ☐ Foam system 6 ☐ Halogen-type system 7 ☐ Carbon dioxide (CO₂) system 0 ☐ Other special hazard system U ☐ Undetermined	M4 Number of Sprinkler Heads Operating ☆ Required if system operated. _____ Number of sprinkler heads operating	

NFIRS-3 Revision 01/01/05

A	FDID	TX	MM 08	DD 04	YYYY 2022	Station	Incident Number 0001318	Exposure 000	☐ Delete ☐ Change	NFIRS-10 Personnel
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B Apparatus or Resources	Dates and Times	Sent	Number of People	Apparatus Use	Actions Taken
	Midnight is 0000 Check if same date as Alarm date on the Basic Module (Block E1). Month Day Year Hour/Min	☒		Check ONE box for each apparatus to indicate its main use at the incident. ☐ Suppression ☐ EMS ☒ Other	List up to 4 actions for each apparatus and each personnel.

1 ID Rescue	Dispatch ☒ 1311 Arrival ☒ 1320 Clear ☒ 1638	Sent ☒	3	☐ Suppression ☐ EMS ☒ Other	
★Type 71					

Personnel ID	Name	Rank or Grade	Attend	Action Taken	Action Taken	Action Taken	Action Taken
0602	Steve Davenport		☒				
1771	Justin McCullough		☒				
1798	CHAS WESTBROOK		☒				
			☐				
			☐				
			☐				

2 ID Engine	Dispatch ☒ 1311 Arrival ☒ 1320 Clear ☒ 1638	Sent ☒	2	☒ Suppression ☐ EMS ☐ Other	
★Type 11					

Personnel ID	Name	Rank or Grade	Attend	Action Taken	Action Taken	Action Taken	Action Taken
0815	Chanley Delk		☒				
1313	AUSTIN CHILDERS		☒				
			☐				
			☐				
			☐				
			☐				

3 ID Engine	Dispatch ☒ 1311 Arrival ☒ 1320 Clear ☒ 1638	Sent ☒	3	☒ Suppression ☐ EMS ☐ Other	
★Type 11					

Personnel ID	Name	Rank or Grade	Attend	Action Taken	Action Taken	Action Taken	Action Taken
1292	Shawn T. Haney		☒				
1620	Connor Brinson		☒				
2180	ANTHONY RIOS		☒				
			☐				
			☐				
			☐				

A	FDID	TX	MM	DD	YYYY	Station	Incident Number 0001318	Exposure 000	☐ Delete ☐ Change	NFIRS-10 Personnel
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B Apparatus or Resources	Dates and Times	Sent	Number of People	Apparatus Use	Actions Taken
	Midnight is 0000 ☐ Check if same date as Alarm date on the Basic Module (Block E1). Month Day Year Hour/Min	☐		☐ Suppression ☒ EMS ☐ Other	List up to 4 actions for each apparatus and each personnel.

1 ID Medic 5	Dispatch ☒ 1311 Arrival ☒ 1320 Clear ☒ 1638	Sent ☒	2	☐ Suppression ☒ EMS ☐ Other	
★Type 76					

Personnel ID	Name	Rank or Grade	Attend	Action Taken	Action Taken	Action Taken	Action Taken
2116	THOMAS LIGHT		☒				
2169	RENE MENDEZ		☒				
			☐				
			☐				
			☐				
			☐				

2 ID Battali	Dispatch ☒ 1311 Arrival ☒ 1320 Clear ☒ 1638	Sent ☒	1	☐ Suppression ☐ EMS ☒ Other	
★Type 92					

Personnel ID	Name	Rank or Grade	Attend	Action Taken	Action Taken	Action Taken	Action Taken
1332	Tye Newman		☒				
			☐				
			☐				
			☐				
			☐				
			☐				

3 ID	Dispatch ☐ Arrival ☐ Clear ☐	Sent ☐		☐ Suppression ☐ EMS ☐ Other	
★Type					

Personnel ID	Name	Rank or Grade	Attend	Action Taken	Action Taken	Action Taken	Action Taken
			☒				
			☐				
			☐				
			☐				
			☐				
			☐				

STATE OF TEXAS

§

§

COUNTY OF HOWARD

§

**CERTIFICATION
PHOTOGRAPHS TAKEN BY MALISSA GARCIA**

“With regard to the photographs in **Exhibits A-4 through A-5** I am familiar with and recognize the scene depicted in the photographs. On May 24, 2022 and June 30, 2022, I inspected the property described as:

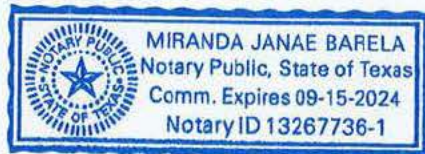
Lot N/2 OF LT 11 ALL OF LT 12, Block 2 in the College Heights Addition of Big Spring, Howard County, Texas, also known as **1801 JOHNSON STREET**, Big Spring, Texas

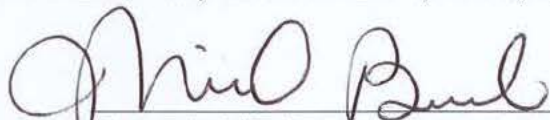
Each of the photographs is a fair and accurate depiction of the scene at the relevant time.”

SIGNED on the 7TH day of DECEMBER, 2022.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 7TH day of DECEMBER, 2022 by the above referenced Affiant.




Notary Public, State of Texas



8/ 4/2022 13:29

EXHIBIT A- 1 OF 1



8/ 4/2022 13:31

EXHIBIT A 2 OF 18



19 of 47

8/ 4/2022 13:33

EXHIBIT A- OF 1



20 of 47

8/ 4/2022 14:53

EXHIBIT A- OF 1



8/ 4/2022 14:54

EXHIBIT A- OF 1



22 of 47

8/ 4/2022 14:55

EXHIBIT A- OF 1



23 of 47

8/ 4/2022 14:55

EXHIBIT A- 7 OF 1



24 of 47

8/ 4/2022 15:01

EXHIBIT A-8 NOE 1B



25 of 47

8/ 4/2022 15:01

EXHIBIT A- OF 1



26 of 47

8/ 4/2022 15:01

EXHIBIT A- 1 OF 1



27 of 47

8/ 4/2022 15:02

EXHIBIT A- 11 OF 1

28 of 47

8/ 4/2022 12:15

EXHIBIT A 12 OF 100



29 of 47

8/4/2022 12:20

EXHIBIT A- 1X OF 1X

8/ 4/2022 12:21

EXHIBIT A- 1 OF 1





31 of 47

10/ 5/2022 15:35

EXHIBIT A- 1 OF



32 of 47

10/ 5/2022 15:35

EXHIBIT A- 2 OF



33 of 47

10/ 5/2022 15:35

EXHIBIT A- OF

10/ 5/2022 15:34

EXHIBIT A- OF

STATE OF TEXAS

§

COUNTY OF HOWARD

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**CERTIFICATION
NOTICE SENT BY MALISSA GARCIA**

“The document in **Exhibit A-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

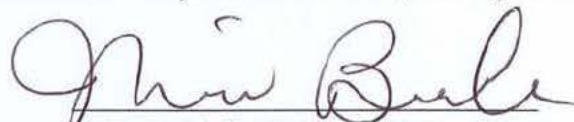
Certified Mail Return for **Exhibit A-6** is also attached.

SIGNED on the 7TH day of DECEMBER, 2022.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 7TH day of DECEMBER , 2022 by the above referenced Affiant.




Notary Public, State of Texas



Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

1801 JOHNSON ST

Lot: N/2 OF LOT 11 ALL LT 12 BK: 2 COLLEGE HEIGHTS

August 5, 2022

Case No: 70884

JUAN AND NORA GALVAN
3210 W KANSAS AVE APT A
MIDLAND TX 79701

Sent via: First Class US Mail

The City of Big Spring has determined that the following section of the **Property Maintenance Code (PMC) of Big Spring** has been violated, constituting a nuisance:

VIOLATION

Description of Violation

Property Maintenance Code
Sec. 302.1 Sanitation

The exterior of the property and premises are not maintained in a clean, safe, and sanitary condition.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required

Deadline for Compliance

There are several items (burnt debri, tires, mattresses, and tons of accumulated items) that need to be removed and taken out of public view. If problem persists criminal charges will be filled.

Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

MALISSA GARCIA

Name

Code Compliance

Department

(432)264-2506

Phone

mgarcia@mybigspring.com

E-mail

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE.

Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY OWNER(S) WITH COSTS AND PENALTIES.

If you fail to take the corrective action within the deadlines stated above, the City may initiate Proceedings to Abate. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property—with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. See Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at <https://codes.iccsafe.org/codes/i-codes>.

Sincerely,

M. Garcia

Code Compliance Officer
City of Big Spring, Texas



NOTICE OF VIOLATION, ORDER TO ABATE AND NOTICE OF HEARING

1801 JOHNSON STREET, BIG SPRING, TEXAS 79720
Lot: N/2 OF LT 11 ALL OF LT 12 BK 2: COLLEGE HEIGHTS ADDITION

November 21, 2022

JUAN AND NORA GALVAN
3210 W KANSAS AVE APT A
MIDLAND, TX 79701

Sent via: First Class US Mail and Certified Mail

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** and the **Big Spring Zoning Ordinance** have been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code Sec. 111.1.5 Hazardous structure or premises	Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.
Sec. 302.1 Sanitation.	The exterior of the property and premises are not maintained in a clean, safe, and sanitary condition.
Sec. 302.4 Weeds	The premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches.
Sec. 302.5 Rodent harborage.	The exterior of the property is not being kept free from rodent harborages.
Sec. 308.1. Accumulation of rubbish or garbage.	Exterior property and premises...shall be free from any accumulation of rubbish or garbage.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required

Deadline for Compliance

A fire on the premises occurred on August 04, 2022. The structure was destroyed. The premises is littered with structural debris, remnants from fire, tires, trash, furniture, rubbish, weeds higher than 12 inches, and other accumulation and unsanitary matter that is required to be removed from the property.

Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Malissa Garcia

Name

Code Compliance

Department

432-264-2506

Phone

mgarcia@mybigspring.com

E-mail

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE.

Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in one or more complaints (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging each violation. A person found guilty may be convicted by the Court and fined. The maximum fine is \$2,000.00 per offense not including court costs. Each day that each and every violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

YOU ARE HEREBY NOTIFIED THAT THE CITY HAS INITIATED PROCEEDINGS TO ABATE THE ABOVE-DESCRIBED NUISANCES AT YOUR EXPENSE.

This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

The City Council will serve as the Hearing Board for your case. The hearing is scheduled for **December 13, 2022 at 5:30 p.m.** at the City Council Chambers located at **307 E 4th St., Big Spring, Texas 79720**. You are encouraged to attend this hearing to demonstrate the scope of work that may be required to comply with the Building Codes and the time it will take to reasonably perform the work.

CONDUCT OF THE HEARING. The Structural Standards Ordinance of the Big Spring City Code provides the following concerning the conduct of the hearing:

SECTION 9.02. - Rules; oral evidence; admissibility of evidence; exclusion of evidence; rights of parties.

- (a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.
- (b) Oral Evidence. Oral evidence shall be taken only on oath or affirmation.
- (c) Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this State.
- (d) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.
- (e) Rights of Parties. Each party shall have the following rights, among others:
 - 1. To call and examine witnesses on any matter relevant to the issues of the hearing;
 - 2. To introduce documentary and physical evidence;
 - 3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
 - 4. To impeach any witness regardless of which party first called him to testify;
 - 5. To rebut the evidence against him;
 - 6. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.
- (f) The City Attorney shall present the case for the City. If the City Attorney is recused or disqualified, the City Manager shall determine who shall present the case for the City.

YOU HAVE A RIGHT TO APPEAL THE DECISION OF THE HEARING BOARD. If the Code Official's order is upheld by the Hearing Board, you may appeal its ruling to the District Court within thirty (30) days pursuant to Section 8.03 of the Structural Standards Ordinance of the Big Spring City Code. If you fail to appeal the Hearing Board's ruling within that time, such order shall be final.

FAILURE TO COMPLY/ATTACHMENT OF LIEN. If the owner of a premises fails to comply with an order of the Board within the time prescribed, and the City conducts abatement or work, either through an available public agency or by contract or arrangement with private persons, and the cost of such abatement work shall be charged against the real estate upon which the nuisance is located and shall be a lien on such real estate.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address

of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. See Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at <https://codes.iccsafe.org/codes/i-codes>.

Sincerely,



Malissa Garcia
Code Official
City of Big Spring, Texas

Tracking Number:

Remove X

9489009000276209461143

Copy

Add to Informed Delivery

(<https://informedelivery.usps.com/>)

Latest Update

Your package will arrive later than expected, but is still on its way. It is currently in transit to the next facility.

Feedback

Get More Out of USPS Tracking:

USPS Tracking Plus[®]

Delivered

Out for Delivery

Preparing for Delivery

Moving Through Network

In Transit, Arriving Late

November 27, 2022

Departed USPS Regional Facility

MIDLAND TX DISTRIBUTION CENTER

November 23, 2022, 12:12 am

See All Tracking History

Text & Email Updates

Return Receipt Electronic	▼
USPS Tracking Plus®	▼
Product Information	▼
See Less ^	

Track Another Package

Enter tracking or barcode number

Need More Help?

Contact USPS Tracking support for further assistance.

FAQs

Feedback

STATE OF TEXAS

COUNTY OF HOWARD

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**CERTIFICATION
OF POSTING OF PUBLIC HEARING**

"The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for **DECEMBER 13, 2022**, attached as **Exhibit A-7**, was posted on or near the front door of each dwelling unit listed in the attached notice on December 3, 2022.

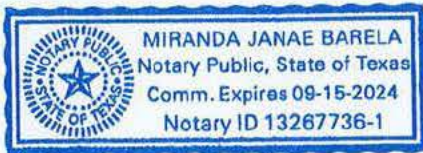
This notice was also published in the Big Spring Herald on DECEMBER 4, 2022."

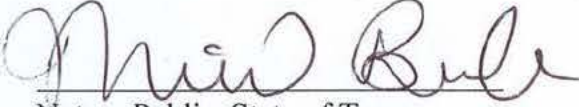
SIGNED on the 7TH day of DECEMBER, 2022.



AFFIANT

SWORN TO AND SUBSCRIBED before me this 7TH day of DECEMBER, 2022 by the above referenced Affiant.





Notary Public, State of Texas



BIG SPRING

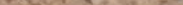
[illegible]

10415 N. CENTRAL AVE. SUITE 100
DALLAS, TEXAS 75243-1041

THE UNIVERSITY OF CHICAGO PRESS

12/ 3/

12/ 3/



12/ 3/2022 12:11



Code Enforcement

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF PUBLIC HEARING CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD WILL HOLD A PUBLIC HEARING ON **DECEMBER 13, 2022 AT 5:30 P.M.**, IN THE CITY OF BIG SPRING COUNCIL CHAMBERS AT 307 E 4TH ST., BIG SPRING, TEXAS 79720 TO CONSIDER ABATEMENT OF PUBLIC NUISANCES ON PROPERTIES IN THE CITY OF BIG SPRING, TEXAS. ALL INTERESTED PERSONS MAY SPEAK, THEN A DETERMINATION WILL BE MADE AND REMEDIAL ACTION ORDERED ON THE FOLLOWING PROPERTIES:

1801 JOHNSON, BIG SPRING, TEXAS 79720 – N/2 OF LT 11 ALL LT 12, BK 2, COLLEGE HEIGHTS ADDITION – OWNER: NORA GALVAN, 1801 JOHNSON, BIG SPRING, TEXAS 79720

1524 E 17TH STREET, BIG SPRING, TEXAS 79720 – SC 5, BK 32 1S, BROWN ADDITION – OWNER: SHERRI KELLEY, 1524 E 17TH STREET, BIG SPRING, TEXAS 79720

706 OHIO, BIG SPRING, TEXAS 79720 - LT 6, BK 4, PORTER ADDITION – OWNER: DOROTHY THOMAS, 706 OHIO, BIG SPRING, TEXAS.

1400 MESA, BIG SPRING, TEXAS 79720 – LT 6, BK 5, MOUNTAIN VIEW ADDITION – OWNER: INES JESUS GONZALES AND KRISTINA GONZALES, 1400 MESA, BIG SPRING, TEXAS 79720

1507 WEST 2ND STREET, BIG SPRING, TEXAS 79720 – LT 7, BK 21, JONES VALLEY ADDITION – OWNER: LATRICIA FLORES, 1507 WEST 2ND STREET, BIG SPRING, TEXAS 79720

101 AIRBASE ROAD, BIG SPRING, TEXAS 79720 – W/40 S/100 OF LT 2 & PART LT 4, BK 3, SETTLES HEIGHTS ADDITION – OWNER: JAMES TUBBS, 101 AIRBASE ROAD, BIG SPRING, TEXAS 79720

202 WASHINGTON BLVD, BIG SPRING, TEXAS 79720 – LTS 4-5, BK 9, WASHINGTON PLACE ADDITION – OWNER: KATHRYN CRENSHAW MILCH, 202 WASHINGTON, BIG SPRING, TEXAS 79720

407 AUSTIN, BIG SPRING, TEXAS 79720 – LT 7, BK 58, ORIGINAL TOWN(BK3 PORTER) – OWNER: JUAN H PARRAS, 407 AUSTIN, BIG SPRING, TEXAS 79720

703 JOHNSON, BIG SPRING, TEXAS 79720 – LTS 11, BK 61, ORIGINAL TOWN 1027 – OWNER: ALAN AND HEATHER PORN, 703 JOHNSON, BIG SPRING, TEXAS 79720

THE CITY OF BIG SPRING HEARING BOARD MEETING IS AVAILABLE TO ALL PERSONS REGARDLESS OF DISABILITY. IF YOU REQUIRE SPECIAL ASSISTANCE, PLEASE CONTACT TAMI DAVIS AT 432-264-2513 OR AT 310 NOLAN, BIG SPRING, TEXAS 79720, AT LEAST FORTY-EIGHT (48) HOURS IN ADVANCE OF THE MEETING.

STATE OF TEXAS

COUNTY OF HOWARD

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**AFFIDAVIT OF JACOB LEOS
CONCERNING 1524 EAST 17TH STREET**

BEFORE ME, the undersigned authority, on this day, personally appeared **JACOB LEOS**, who, being by me duly sworn, deposed as follows:

“My name is **JACOB LEOS**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

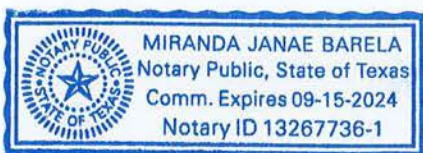
“I am a code compliance official for the City of Big Spring, Texas. In the course of my duties, I inspect properties for compliance with Texas state law and the ordinances of the City of Big Spring. I am an employee of the City of Big Spring and am familiar with the manner in which its records are created and maintained by virtue of my duties and responsibilities. Attached are pages of records relating to the Code Compliance Case for **1524 EAST 17TH STREET**, Big Spring, Texas. These are exact duplicates of original records. The records were made at or near the time of each act, event, or finding set forth. The records were made by, or from information transmitted by, persons with knowledge of the matters set forth. The records were kept in the course of regularly conducted business activity. It is the regular practice of the business activity to make the records.”

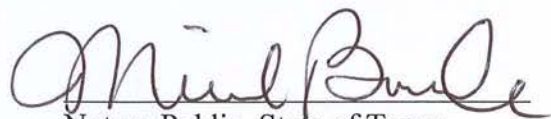
SIGNED on the 7TH day of DECEMBER, 2022.



AFFIANT

SWORN TO AND SUBSCRIBED before me this 7TH day of DECEMBER, 2022 by the above referenced Affiant.





Notary Public, State of Texas

STATE OF TEXAS

COUNTY OF HOWARD

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**CERTIFICATION
CONCERNING THE IDENTITY AND ADDRESS OF
OWNER, LIENHOLDER, OR MORTGAGEE**

“I made a reasonable effort to determine the identity and address of an owner, lienholder,
or mortgagee of the property described as:

Lot **SC 5**, Block **32 1S 962** in the Addition of Big Spring, Howard County,
Texas, also known as **1524 EAST 17TH STREET**, Big Spring, Texas

by searching the following records:

1. county real property records of the county in which the building is located;
2. appraisal district records of the appraisal district in which the building is located;
3. records of the secretary of state;
4. assumed name records of the county in which the building is located;
5. tax records of the municipality; and
6. utility records of the municipality.

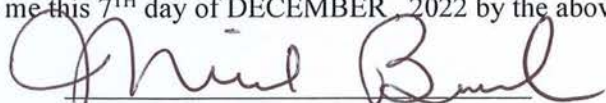
Using the above-described records, I verified that **SHERRI KELLEY** is the owner of the
property located at the above-described premises and their mailing address is **1524 EAST 17TH
STREET**, Big Spring, Howard County, Texas, as shown in **Exhibit B-1**.

SIGNED on the 7TH day of DECEMBER, 2022.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 7TH day of DECEMBER, 2022 by the above
referenced Affiant.




Notary Public, State of Texas

HOWARD COUNTY APPRAISAL DISTRICT (2023)

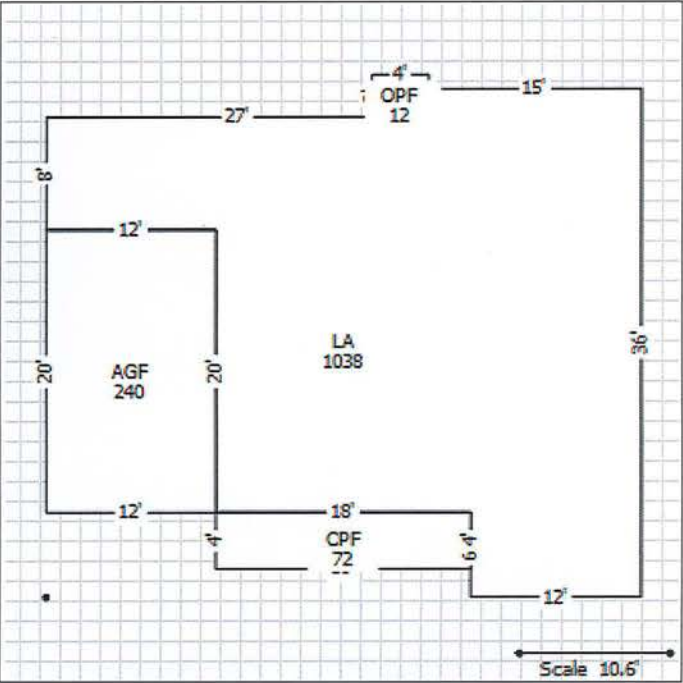
Property ID : R000047770

Geo ID : 51505004900

1/1

Ownership
KELLEY SAMUEL & KELLEY SHERRI 1524 E 17TH BIG SPRING, TX 79720-4943

Exemptions/Deed
VOL: 1123 PAGE: 247 DATE: 12/8/2008



Legal Information
LEGAL: SC 5 BK 32 1S 70 X 147.5 962 ACQ 122908 0.236 ACRES SITUS: 1524 E 17TH ACRES:0.236 ALT:47770 XREF:47770.1
UNCERTIFIED
Appraisal Coding Appr By CT Appr Dt 10/13/21 Check By Check Dt

Sale Dt	Type	Vol	Page	Inst	Deed Dt	Price	Value@Sale	Grantee	Grantor
12/8/08		1121	141	0	12/8/08	+++++	+++++	TIERRA GROUP LLC	PHERNETTON ROBBIE J ET

Agent	Mortgage	Geo Quad	Aerial	Map Id	Use
		0			

Building Code	Hs	Year/Eff Yr	Class	Sqft	Cpsf	Buildings	Features	Depreciation	%	Condition	%	Fn%	Ec%	Cpl%	Loc%	Net Adj%	Value	Feature Code	Cpsf / Value
LA-LIVING AREA	Y	1957/NA	RS3F	1,038	101.79	105,658	0 FA	-70%		0%	0%	0%	100%	0%	-70.0%		31,697	AST-1 STORY	0
CPF-COVERED PORCH FR	Y	1957/NA	RS3F	72	15.27	1,099	0 FA	-70%		0%	0%	0%	100%	0%	-70.0%		330	AUT-ALL	0
AGF-ATTACHED GARAGE	Y	1957/NA	RS3F	240	32.57	7,818	0 FA	-70%		0%	0%	0%	100%	0%	-70.0%		2,345	CRM-COMPOSITION	0
OPF-OPEN PORCH / PAT	Y	1957/NA	RS3F	12	6.11	73	0 FA	-70%		0%	0%	0%	100%	0%	-69.9%		22	FET-FRAME	0
				=====		=====											=====	GRT-GABLE	0
				1,362		114,648	0										34,394	PFN-PIER AND BE	0
SQFT MA: 1038																		1BT-1 BATH	0
MKT CSF MA: 38.961																		AHC-CEN HT AIR	0
CSF IMPR: 33.135																		=====	0

Land Code	Units / Alt Units	Cpu	Cpu Cd	Mkt Cpu	Adjustment Codes	Adj%	Adj Amt	Hs	Mkt Value	Ptd Prd	Prod Code	Prod Use	Yr Grant	Units	Cpu	Spec Value
LFF18	70.0 FF/70.0 RF/147.0 DF LOTS	70.0		70.00		0%		Y	4,900	A1						
									=====							=====
									4,900							0

Comments

2023	Ptd	Change +/-	Prior	2022	Ptd	Entity / Description	Exemption	Txbl Value	Rate Per \$100	Frz Yr	Ext. Tax Levy	Nbh Coding	Misc Coding
Impr Homesite +	35,542	A1	0	35,542	A1	01H HOWARD COUNTY	8,088	32,354	.3275450		105.97		BSISDE
Land Homesite +	4,900	A1	0	4,900	A1	02B CITY OF BIG SPRING	8,088	32,354	.6731630		217.80		
Total Market =	40,442		0	40,442		03B BIG SPRING ISD	40,442	0	1.0160000		0.00		
Assessed =	40,442		0	40,442		052 HOWARD COLLEGE	8,088	32,354	.2367770		76.61		
						** ESTIMATED TOTAL					=====		
											400.38		

STATE OF TEXAS

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COUNTY OF HOWARD

CERTIFICATION
1524 EAST 17TH STREET CASE NOTES

“This record, attached as **Exhibit B-2**, was made at or near the time by – or from information transmitted by a person or persons with the City with knowledge.

This record was kept in the course of a regularly conducted business activity of the Code Compliance Department of the City of Big Spring, Texas.

Making this record was a regular practice of that activity.

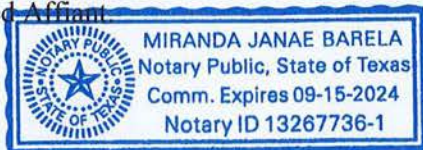
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout certain data.
7. I used the proper procedures to obtain the readout.
8. The computer was in working order at the time I obtained the readout.
9. I recognize the attached **Exhibit B-2** as the readout.”

SIGNED on the 7TH day of DECEMBER, 2022.



AFFIANT

SWORN TO AND SUBSCRIBED before me this 7TH day of DECEMBER, 2022 by the above referenced Affiant





Notary Public, State of Texas

NOTES

Incident Notes:

5/10/22 There are accumulated items on property that present conditions for rat harborage.(piles of trash, scrap wood on dirt, steel panels on dirt and several other items) Will send notice. If problem persists criminal charges will be filed.

Task #: 111159 - INSPECT - 5/13/2022

(MORE COMPLAINTS HAVE BEEN CALLED IN ABOUT THIS PROPERTY).

6/15/22 REINSPECTED- There are STILL accumulated items (including a garbage pile, trash bags, scrap wood pile) on property that present conditions for rat harborage. Will send 2ND NOTICE

Task #: 111160 - RODENT CONTROL - 5/13/2022

Task #: 111699 - REINSPECT RODENT - 6/17/2022

Task #: 111700 - RODENT CONTROL - 6/17/2022

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
PHOTOGRAPHS TAKEN BY JACOB LEOS**

“With regard to the photographs in **Exhibits A-3 through A-4** I am familiar with and recognize the scene depicted in the photographs. On May 10, 2022 and June 15, 2022, I inspected the property described as:

Lot **SC 5**, Block **32 1S 962** in the Addition of Big Spring, Howard County, Texas, also known as **1524 EAST 17TH STREET**, Big Spring, Texas

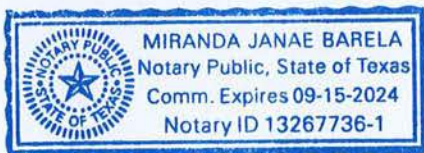
Each of the photographs is a fair and accurate depiction of the scene at the relevant time.”

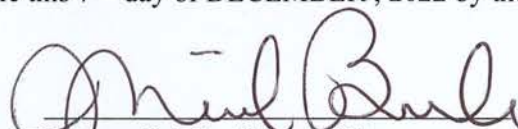
SIGNED on the 7TH day of DECEMBER, 2022.



AFFIANT

SWORN TO AND SUBSCRIBED before me this 7TH day of DECEMBER, 2022 by the above referenced Affiant.





Notary Public, State of Texas



7 of 41

5/10/2022 9:42

EXHIBIT B3 1 OF 9



8 of 41

5/10/2022 9:42

EXHIBIT B3 3 OF 9



9 of 41

5/10/2022 9:42

EXHIBIT B1 - 3 OF 9



10 of 41

5/10/2022 9:43

EXHIBIT B3 4 OF 9



11 of 41

5/10/2022 9:43

EXHIBIT B3 5 OF 9



12 of 41

5/10/2022 9:43

EXHIBIT B3 6 OF 9



13 of 41

5/10/2022 9:43

EXHIBIT B3 7 OF 9



14 of 41

5/10/2022 9:43

EXHIBIT B3 8 OF 9



5/10/2022 9:42

EXHIBIT B3 9 OF 9



16 of 41

6/15/2022 13:58

EXHIBIT B4 1 OF 6



17 of 41

6/15/2022 13:58

EXHIBIT B4 2 OF 6



18 of 41

6/15/2022 13:58

EXHIBIT B4 3 OF 6



6/15/2022 13:58

EXHIBIT B4 4 OF 6



20 of 41

6/15/2022 13:58

EXHIBIT B4 5 OF 6



21 of 41

6/15/2022 13:58

EXHIBIT B4 6 OF 6

STATE OF TEXAS

COUNTY OF HOWARD

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**CERTIFICATION
NOTICE SENT BY JACOB LEOS**

“The document in **Exhibit A-5** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

Certified Mail Return for **Exhibit A-5**
is also attached.

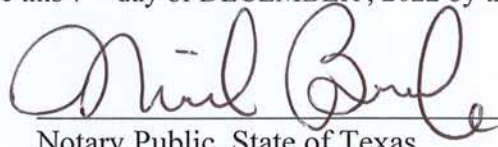
SIGNED on the 7TH day of DECEMBER, 2022.



AFFIANT

SWORN TO AND SUBSCRIBED before me this 7TH day of DECEMBER , 2022 by the above referenced Affiant.





Notary Public, State of Texas



Code Enforcement

217 E. 3rd St. Big Spring, TX 79720. Ph 432-264-2505

June 17, 2022

Complaint No: 70362

SHERRI KELLEY
1524 E 17TH ST
BIG SPRING TX 79720-4943

VIOLATION OF THE BIG SPRING CITY CODE, CHAPTER 13 AT:

1524 E 17TH ST

Lot: SC 5 BK: 32 1S 962

Dear SHERRI KELLEY:

You, as owner/occupant of the above referenced property, are in violation of **Chapter 13** of the Health and Sanitation Code, specifically **Article 1, Section 36-63 et seq.**, thereof which reads as follows:

Sec 36-63 Accumulations of Lumber, Boxes, Barrels, Etc.

It shall be unlawful for any person to permit to accumulate on any premises, improved or unimproved, or on any open lot or alley in the city any lumber, boxes, barrels, bricks or stones or similar materials that may be permitted to remain thereon, and that may be used as a harborage by rats, unless the same are placed on open racks and elevated not less than eighteen (18) inches above the ground with a clear intervening space beneath, to prevent the harborage of rats. (Ord. of 09-11-45, _ 10)

This is your notice, pursuant to and in accordance with the Code of Ordinances of the City, to correct, remedy or remove the following unsightly, objectionable or unsanitary conditions from the above referenced premises within ten (10) days of receipt of this notice.

Sec. 36-26 Penalty for Violation of this Article

In addition to the other remedies contained in this Article, in the event the owner or persons having possession or control of such property shall fail or refuse to abate such condition, that person shall be guilty of a misdemeanor and upon conviction shall be punishable by fine not exceeding five hundred dollars (\$500.00). Each day such violation continues shall constitute a separate offense. (Ord. of 03-11-97)

If this matter has been taken care of before receipt of this letter, please notify this office.

It is the sincere hope of the City that you will cooperate with us in helping to make Big Spring an attractive, healthful place in which to live.

Sincerely,


Jacob Leos
Code Enforcement/City of Big Spring



Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

1524 E 17TH ST
Lot: SC 5 BK: 32 1S 962

June 17, 2022

Case No: 70360

SHERRI KELLEY

1524 E 17TH ST
BIG SPRING TX 79720-4943

Sent via: First Class US Mail

The City of Big Spring has determined that the following section of the **Property Maintenance Code (PMC) of Big Spring** has been violated, constituting a nuisance:

VIOLATION

Description of Violation

Property Maintenance Code
Sec. 302.1 Sanitation

The exterior of the property and premises are not maintained in a clean, safe, and sanitary condition.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required

Deadline for Compliance

There are several items (pile of garbage, furniture, appliances, trash bags(full), scrap wood/planks several other itmes) on the property that needs to be removed and taken out of public view. If problem persists, criminal charges will be filed.

Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Jacob Leos

Name

432-264-2502

Phone

Code Compliance

Department

jleos@mybigspring.com

E-mail

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE.

Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY OWNER(S) WITH COSTS AND PENALTIES.

If you fail to take the corrective action within the deadlines stated above, the City may initiate Proceedings to Abate. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. See Big

Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at <https://codes.iccsafe.org/codes/i-codes>.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jacob Leos', with a stylized flourish.

Jacob Leos
Code Compliance
City of Big Spring, Texas



Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

1524 E 17TH ST
Lot: SC 5 BK: 32 1S 962

June 17, 2022

Case No: 70360

SHERRI KELLEY

1524 E 17TH ST
BIG SPRING TX 79720-4943

Sent via: First Class US Mail

The City of Big Spring has determined that the following section of the **Property Maintenance Code (PMC) of Big Spring** has been violated, constituting a nuisance:

VIOLATION

Description of Violation

Property Maintenance Code
Sec. 302.1 Sanitation

The exterior of the property and premises are not maintained in a clean, safe, and sanitary condition.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required

Deadline for Compliance

Seven (7) days from date of mailing

There are several items (pile of garbage, furniture, appliances, trash bags(full), scrap wood/planks several other itmes) on the property that needs to be removed and taken out of public view. If problem persists, criminal charges will be filed.

For further information about this notice, please contact the following person:

Issued by

Jacob Leos

Name

Code Compliance

Department

432-264-2502

Phone

jleos@mybigspring.com

E-mail



Code Enforcement

217 E. 3rd St. Big Spring, TX 79720. Ph 432-264-2505

May 13, 2022

Complaint No: 70362

SHERRI KELLEY
1524 E 17TH ST
BIG SPRING TX 79720-4943

VIOLATION OF THE BIG SPRING CITY CODE, CHAPTER 13 AT:

1524 E 17TH ST

Lot: SC 5 BK: 32 1S 962

Dear SHERRI KELLEY:

You, as owner/occupant of the above referenced property, are in violation of **Chapter 13** of the Health and Sanitation Code, specifically **Article 1, Section 36-63 et seq.**, thereof which reads as follows:

Sec 36-63 Accumulations of Lumber, Boxes, Barrels, Etc.

It shall be unlawful for any person to permit to accumulate on any premises, improved or unimproved, or on any open lot or alley in the city any lumber, boxes, barrels, bricks or stones or similar materials that may be permitted to remain thereon, and that may be used as a harborage by rats, unless the same are placed on open racks and elevated not less than eighteen (18) inches above the ground with a clear intervening space beneath, to prevent the harborage of rats. (Ord. of 09-11-45, _ 10)

This is your notice, pursuant to and in accordance with the Code of Ordinances of the City, to correct, remedy or remove the following unsightly, objectionable or unsanitary conditions from the above referenced premises within ten (10) days of receipt of this notice.

Sec. 36-26 Penalty for Violation of this Article

In addition to the other remedies contained in this Article, in the event the owner or persons having possession or control of such property shall fail or refuse to abate such condition, that person shall be guilty of a misdemeanor and upon conviction shall be punishable by fine not exceeding five hundred dollars (\$500.00). Each day such violation continues shall constitute a separate offense. (Ord. of 03-11-97)

If this matter has been taken care of before receipt of this letter, please notify this office.

It is the sincere hope of the City that you will cooperate with us in helping to make Big Spring an attractive, healthful place in which to live.

Sincerely,

Jacob Leos
Code Enforcement/City of Big Spring



Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

1524 E 17TH ST
Lot: SC 5 BK: 32 1S 962

May 13, 2022

Case No: 70360

SHERRI KELLEY

1524 E 17TH ST
BIG SPRING TX 79720-4943

Sent via: First Class US Mail

The City of Big Spring has determined that the following section of the **Property Maintenance Code (PMC) of Big Spring** has been violated, constituting a nuisance:

VIOLATION

Description of Violation

Property Maintenance Code
Sec. 302.1 Sanitation

The exterior of the property and premises are not maintained in a clean, safe, and sanitary condition.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required

Deadline for Compliance

Seven (7) days from date of mailing

THERE IS AN ACCUMULATION OF ITEMS ON THIS PROPERTY INCLUDING (TRASH BAGS, FURNITURE, TIRES, SCRAP WOOD, METAL SHEETS, TRASH, PLASTIC ITEMS AND SEVERAL OTHER ITEMS THAT NEEDS TO BE REMOVED AND TAKEN OUT OF PUBLIC VIEW. IF PROBLEM PERSISTS CRIMINAL CHARGES WILL BE FILED.

For further information about this notice, please contact the following person:

Issued by

Jacob Leos

Name

Code Compliance

Department

432-264-2502

Phone

jleos@mybigspring.com

E-mail

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY OWNER(S) WITH COSTS AND PENALTIES. If you fail to take the corrective action within the deadlines stated above, the City may initiate Proceedings to Abate. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. See Big

Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at <https://codes.iccsafe.org/codes/i-codes>.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jacob Leos', with a stylized flourish extending from the end.

Jacob Leos
Code Compliance
City of Big Spring, Texas



NOTICE OF VIOLATION, ORDER TO ABATE AND NOTICE OF HEARING

1524 E. 17th STREET, BIG SPRING, TEXAS 79720
Lot: SC 5 BK 32 1S 962

November 21, 2022

SHERRI KELLEY
1524 EAST 17T STREET
BIG SPRING, TX 79720-4943

Sent via: First Class US Mail and Certified Mail

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** and the **Big Spring Zoning Ordinance** have been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code	
Sec. 302.1 Sanitation.	The exterior of the property and premises are not maintained in a clean, safe, and sanitary condition.
Sec. 302.4 Weeds	The premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches.
Sec. 302.5 Rodent harborage.	The exterior of the property is not being kept free from rodent harborages.
Sec. 308.1. Accumulation of rubbish or garbage.	Exterior property and premises...shall be free from any accumulation of rubbish or garbage.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
The premises is littered with tires, trash, furniture, rubbish, weeds higher than 12 inches, and other accumulation and unsanitary matter that is required to be removed from the property.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Jacob Leos	Code Compliance
<i>Name</i>	<i>Department</i>
432-264-2502	jleos@mybigspring.com
<i>Phone</i>	<i>E-mail</i>

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in one or more complaints (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging each violation. A person found guilty may be convicted by the Court and fined. The maximum fine is \$2,000.00 per offense not including court costs. Each day that each and every violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

YOU ARE HEREBY NOTIFIED THAT THE CITY HAS INITIATED PROCEEDINGS TO ABATE THE ABOVE-DESCRIBED NUISANCES AT YOUR EXPENSE. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

The City Council will serve as the Hearing Board for your case. The hearing is scheduled for **December 13, 2022 at 5:30 p.m.** at the City Council Chambers located at **307 E 4th St., Big Spring, Texas 79720**. You are encouraged to attend this hearing to demonstrate the scope of work that may be required to comply with the Building Codes and the time it will take to reasonably perform the work.

CONDUCT OF THE HEARING. The Structural Standards Ordinance of the Big Spring City Code provides the following concerning the conduct of the hearing:

SECTION 9.02. - Rules; oral evidence; admissibility of evidence; exclusion of evidence; rights

- (a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.
- (b) Oral Evidence. Oral evidence shall be taken only on oath or affirmation.
- (c) Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this State.
- (d) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.
- (e) Rights of Parties. Each party shall have the following rights, among others:
 - 1. To call and examine witnesses on any matter relevant to the issues of the hearing;
 - 2. To introduce documentary and physical evidence;
 - 3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
 - 4. To impeach any witness regardless of which party first called him to testify;
 - 5. To rebut the evidence against him;
 - 6. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.
- (f) The City Attorney shall present the case for the City. If the City Attorney is recused or disqualified, the City Manager shall determine who shall present the case for the City.

YOU HAVE A RIGHT TO APPEAL THE DECISION OF THE HEARING BOARD. If the Code Official's order is upheld by the Hearing Board, you may appeal its ruling to the District Court within thirty (30) days pursuant to Section 8.03 of the Structural Standards Ordinance of the Big Spring City Code. If you fail to appeal the Hearing Board's ruling within that time, such order shall be final.

FAILURE TO COMPLY/ATTACHMENT OF LIEN. If the owner of a premises fails to comply with an order of the Board within the time prescribed, and the City conducts abatement or work, either through an available public agency or by contract or arrangement with private persons, and the cost of such abatement work shall be charged against the real estate upon which the nuisance is located and shall be a lien on such real estate.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date

you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. See Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at <https://codes.iccsafe.org/codes/i-codes>.

Sincerely,



Jacob Leos
Code Official
City of Big Spring, Texas

Tracking Number:

Remove X

9489009000276209461358

Copy

Add to Informed Delivery

(<https://informedelivery.usps.com/>)

Latest Update

Your package will arrive later than expected, but is still on its way. It is currently in transit to the next facility.

Feedback

Get More Out of USPS Tracking:

USPS Tracking Plus[®]

Delivered

Out for Delivery

Preparing for Delivery

Moving Through Network

In Transit, Arriving Late

December 2, 2022

Departed USPS Regional Facility

MIDLAND TX DISTRIBUTION CENTER

November 28, 2022, 12:28 am

Arrived at USPS Regional Facility

MIDLAND TX DISTRIBUTION CENTER

November 27, 2022, 4:54 pm

Arrived at USPS Regional Facility

EL PASO TX DISTRIBUTION CENTER
November 26, 2022, 2:25 pm

Out for Delivery

BIG SPRING, TX 79720
November 23, 2022, 8:12 am

Arrived at Post Office

BIG SPRING, TX 79720
November 23, 2022, 8:01 am

Departed USPS Regional Facility

MIDLAND TX DISTRIBUTION CENTER
November 22, 2022, 9:38 pm

Arrived at USPS Regional Facility

MIDLAND TX DISTRIBUTION CENTER
November 22, 2022, 6:35 pm

Accepted at USPS Origin Facility

BIG SPRING, TX 79720
November 22, 2022, 5:20 pm

Pre-Shipment Info Sent to USPS, USPS Awaiting Item

November 22, 2022

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Text & Email Updates



Return Receipt Electronic



USPS Tracking Plus®



Product Information



See Less

Track Another Package



Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

[FAQs](#)

Feedback

STATE OF TEXAS

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COUNTY OF HOWARD

**CERTIFICATION
OF POSTING OF PUBLIC HEARING**

“The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for **DECEMBER 13, 2022**, attached as **Exhibit A-6**, was posted on or near the front door of each dwelling unit listed in the attached notice on December 3, 2022.

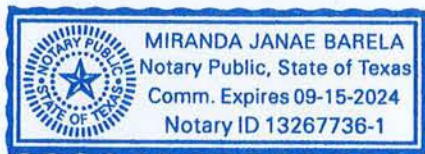
This notice was also published in the Big Spring Herald on DECEMBER 4, 2022.”

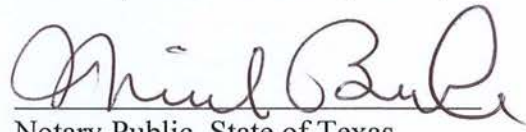
SIGNED on the 7TH day of DECEMBER, 2022.



AFFIANT

SWORN TO AND SUBSCRIBED before me this 7TH day of DECEMBER , 2022 by the above referenced Affiant.





Notary Public, State of Texas



BIG SPRING
TEXAS

Code Enforcement
201 E. 7th St., Big Spring, Texas 79720 • PH: 409-264-2901

**NOTICE OF PUBLIC HEARING
CONCERNING PUBLIC NUISANCE**

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD WILL HOLD A PUBLIC HEARING ON DECEMBER 15, 2022 AT 8:00 P.M. IN THE CITY OF BIG SPRING, COUNCIL CHAMBERS AT 1011 E. 7TH ST., BIG SPRING, TEXAS 79720. FOR FURTHER STATEMENT OF PUBLIC NUISANCE AT 1011 E. 7TH ST., BIG SPRING, TEXAS 79720. ALL INTERESTED PERSONS MAY SPEAK AT THE HEARING. THE CITY OF BIG SPRING, TEXAS, ALL INTERESTED PERSONS MAY SPEAK AT THE HEARING. THE CITY OF BIG SPRING, TEXAS, ALL INTERESTED PERSONS MAY SPEAK AT THE HEARING. THE CITY OF BIG SPRING, TEXAS, ALL INTERESTED PERSONS MAY SPEAK AT THE HEARING.

1001 JOHNSON, BIG SPRING, TEXAS 79720 - N2 OF LT 11, ALL LT 12, BK 2, COLLEGE HEIGHTS ADDITION - OWNER: MORGAN, JIM, 1001 JOHNSON, BIG SPRING, TEXAS 79720

1524 E 11TH STREET, BIG SPRING, TEXAS 79720 - ALL BK 12 IS, BROWN ADDITION - OWNER: HUGHES, KYLE, 1524 E 11TH STREET, BIG SPRING, TEXAS 79720

706 OHIO, BIG SPRING, TEXAS 79720 - LT 8, BK 8, PORTER ADDITION - OWNER: JORDAN, THOMAS, 706 OHIO, BIG SPRING, TEXAS 79720

1400 MESA, BIG SPRING, TEXAS 79720 - LT 8, BK 5, MOUNTAIN VIEW ADDITION - OWNER: THOMAS, JIM, 1400 MESA, BIG SPRING, TEXAS 79720

1501 WEST 2ND STREET, BIG SPRING, TEXAS 79720 - LT 7, BK 21, JONES VALLEY ADDITION - OWNER: JONES, GONZALES AND KATHLEEN, 1501 WEST 2ND STREET, BIG SPRING, TEXAS 79720

101 ADDRESS ROAD, BIG SPRING, TEXAS 79720 - WITH 5000 OF LT 2 & PART LT 4, BK 1, MCELLEN HEARTS ADDITION - OWNER: LINDSEY, 101 ADDRESS ROAD, BIG SPRING, TEXAS 79720

201 WASHINGTON BLVD, BIG SPRING, TEXAS 79720 - LT 4, BK 8, WASHINGTON PLACE ADDITION - OWNER: KATHLEEN, 201 WASHINGTON BLVD, 201 WASHINGTON, BIG SPRING, TEXAS 79720

801 ALSTON, BIG SPRING, TEXAS 79720 - LT 7, BK 9, ORIGINAL TOWNHOMES - OWNER: ALSTON, JIM, 801 ALSTON, BIG SPRING, TEXAS 79720

701 JOHNSON, BIG SPRING, TEXAS 79720 - LT 11, BK 41, ORIGINAL TOWNHOMES - OWNER: ALSTON, JIM, 701 JOHNSON, BIG SPRING, TEXAS 79720

THE CITY OF BIG SPRING HEARING BOARD PUBLIC HEARING IS AVAILABLE TO ALL PERSONS REGARDLESS OF RESIDENCY. IT WILL BE HELD AT 8:00 P.M. ON DECEMBER 15, 2022 AT 1011 E. 7TH ST., BIG SPRING, TEXAS 79720. ALL INTERESTED PERSONS MAY SPEAK AT THE HEARING.

1011 E. 7TH ST., BIG SPRING, TEXAS 79720

12/ 3/2022 12:41

EXHIBIT A -6 1 OF 2



Code Enforcement

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF PUBLIC HEARING CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD WILL HOLD A PUBLIC HEARING ON **DECEMBER 13, 2022 AT 5:30 P.M.**, IN THE CITY OF BIG SPRING COUNCIL CHAMBERS AT 307 E 4TH ST., BIG SPRING, TEXAS 79720 TO CONSIDER ABATEMENT OF PUBLIC NUISANCES ON PROPERTIES IN THE CITY OF BIG SPRING, TEXAS. ALL INTERESTED PERSONS MAY SPEAK, THEN A DETERMINATION WILL BE MADE AND REMEDIAL ACTION ORDERED ON THE FOLLOWING PROPERTIES:

1801 JOHNSON, BIG SPRING, TEXAS 79720 – N/2 OF LT 11 ALL LT 12, BK 2, COLLEGE HEIGHTS ADDITION – OWNER: NORA GALVAN, 1801 JOHNSON, BIG SPRING, TEXAS 79720

1524 E 17TH STREET, BIG SPRING, TEXAS 79720 – SC 5, BK 32 1S, BROWN ADDITION – OWNER: SHERRI KELLEY, 1524 E 17TH STREET, BIG SPRING, TEXAS 79720

706 OHIO, BIG SPRING, TEXAS 79720 - LT 6, BK 4, PORTER ADDITION – OWNER: DOROTHY THOMAS, 706 OHIO, BIG SPRING, TEXAS.

1400 MESA, BIG SPRING, TEXAS 79720 – LT 6, BK 5, MOUNTAIN VIEW ADDITION – OWNER: INES JESUS GONZALES AND KRISTINA GONZALES, 1400 MESA, BIG SPRING, TEXAS 79720

1507 WEST 2ND STREET, BIG SPRING, TEXAS 79720 – LT 7, BK 21, JONES VALLEY ADDITION – OWNER: LATRICIA FLORES, 1507 WEST 2ND STREET, BIG SPRING, TEXAS 79720

101 AIRBASE ROAD, BIG SPRING, TEXAS 79720 – W/40 S/100 OF LT 2 & PART LT 4, BK 3, SETTLES HEIGHTS ADDITION – OWNER: JAMES TUBBS, 101 AIRBASE ROAD, BIG SPRING, TEXAS 79720

202 WASHINGTON BLVD, BIG SPRING, TEXAS 79720 – LTS 4-5, BK 9, WASHINGTON PLACE ADDITION – OWNER: KATHRYN CRENSHAW MILCH, 202 WASHINGTON, BIG SPRING, TEXAS 79720

407 AUSTIN, BIG SPRING, TEXAS 79720 – LT 7, BK 58, ORIGINAL TOWN(BK3 PORTER) – OWNER: JUAN H PARRAS, 407 AUSTIN, BIG SPRING, TEXAS 79720

703 JOHNSON, BIG SPRING, TEXAS 79720 – LTS 11, BK 61, ORIGINAL TOWN 1027 – OWNER: ALAN AND HEATHER PORN, 703 JOHNSON, BIG SPRING, TEXAS 79720

THE CITY OF BIG SPRING HEARING BOARD MEETING IS AVAILABLE TO ALL PERSONS REGARDLESS OF DISABILITY. IF YOU REQUIRE SPECIAL ASSISTANCE, PLEASE CONTACT TAMI DAVIS AT 432-264-2513 OR AT 310 NOLAN, BIG SPRING, TEXAS 79720, AT LEAST FORTY-EIGHT (48) HOURS IN ADVANCE OF THE MEETING.

STATE OF TEXAS
COUNTY OF HOWARD

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**AFFIDAVIT OF JACOB LEOS
CONCERNING 1400 MESA**

BEFORE ME, the undersigned authority, on this day, personally appeared **JACOB LEOS**, who, being by me duly sworn, deposed as follows:

“My name is **JACOB LEOS**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

“I am a code compliance official for the City of Big Spring, Texas. In the course of my duties, I inspect properties for compliance with Texas state law and the ordinances of the City of Big Spring. I am an employee of the City of Big Spring and am familiar with the manner in which its records are created and maintained by virtue of my duties and responsibilities. Attached are pages of records relating to the Code Compliance Case for **1400 MESA**, Big Spring, Texas. These are exact duplicates of original records. The records were made at or near the time of each act, event, or finding set forth. The records were made by, or from information transmitted by, persons with knowledge of the matters set forth. The records were kept in the course of regularly conducted business activity. It is the regular practice of the business activity to make the records.”

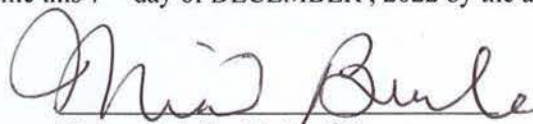
SIGNED on the 7TH day of DECEMBER, 2022.



AFFIANT

SWORN TO AND SUBSCRIBED before me this 7TH day of DECEMBER, 2022 by the above referenced Affiant.





Notary Public, State of Texas

STATE OF TEXAS
COUNTY OF HOWARD

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**CERTIFICATION
CONCERNING THE IDENTITY AND ADDRESS OF
OWNER, LIENHOLDER, OR MORTGAGEE**

"I made a reasonable effort to determine the identity and address of an owner, lienholder,
or mortgagee of the property described as:

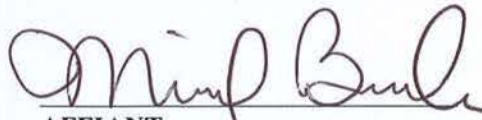
Lot 6, Block 5 in the Mountain View Addition of Big Spring, Howard County,
Texas, also known as **1400 MESA**, Big Spring, Texas

by searching the following records:

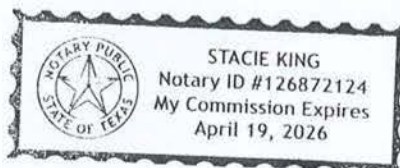
1. county real property records of the county in which the building is located;
2. appraisal district records of the appraisal district in which the building is located;
3. records of the secretary of state;
4. assumed name records of the county in which the building is located;
5. tax records of the municipality; and
6. utility records of the municipality.

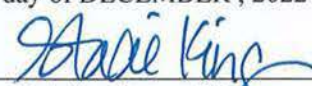
Using the above-described records, I verified that **JESUS INES GONZALES** is the owner
of the property located at the above-described premises and their mailing address is **1400
MESA**, Big Spring, Howard County, Texas, as shown in **Exhibit C-1**.

SIGNED on the 7TH day of DECEMBER, 2022.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 7TH day of DECEMBER, 2022 by the above
referenced Affiant.




Notary Public, State of Texas

1/1

The site plan shows the proposed development layout. The AGF 468 lot is a rectangle with dimensions 36' by 13'. The LA 870 lot is a rectangle with dimensions 36' by 29'. The CPF 72 lot is a rectangle with dimensions 12' by 6'. The proposed building footprint is shown as a rectangle with dimensions 36' by 29'. The building footprint is located on the LA 870 lot, adjacent to the AGF 468 lot. The building footprint is shown with a dashed line. The plan includes dimensions for the lots and the building footprint, and a scale bar indicating 11.9'.

Appraisal Coding	
Appr By BS/LS	Appr Dt 08/04/17
Check By	Check Dt

Agent	Mortgage	Geo Quad	Aerial	Map Id	Use
		0			

Land Code	Units / Alt Units	Cpu	Cpu Cd	Mkt Cpu	Adjustment Codes	Adj%	Adj Amt	Hs	Mkt Value	Ptd Prd	Prod Code	Prod Use	Yr Grant	Units	Cpu	Spec Value
LFF12	50.0 FF/50.0 RF/138.0 DF LOTS	40.0		40.00		0%		Y	2,000	A1						
									=====							=====
									2,000							0

	2023	Ptd	Change +/-	Prior	2022	Ptd	Entity / Description	Exemption	Txbl Value	Rate Per \$100	Frz Yr	Ext. Tax Levy	Nbh Coding	Misc Coding
Impr Homesite +	26,827	A1	0	26,827	A1		01H HOWARD COUNTY	5,765	23,062	.3275450		75.54	WEST22	
Land Homesite +	2,000	A1	0	2,000	A1		02B CITY OF BIG SPRING	5,765	23,062	.6731630		155.24		
Total Market =	28,827		0	28,827			03B BIG SPRING ISD	28,827	0	1.0160000		0.00		
Assessed =	28,827		0	28,827			052 HOWARD COLLEGE	5,765	23,062	.2367770		54.61		
							** ESTIMATED TOTAL					=====		
												285.39		

STATE OF TEXAS
COUNTY OF HOWARD

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**CERTIFICATION
FIRE MARSHAL'S FIRE REPORT**

"The fire report, attached as **Exhibit C-2**, presents factual findings from a legally authorized investigation of the Fire Marshal. The document is a copy of the official record."

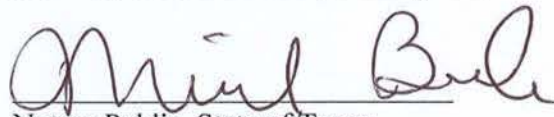
SIGNED on the 7TH day of DECEMBER, 2022.



AFFIANT

SWORN TO AND SUBSCRIBED before me this 7TH day of DECEMBER , 2022 by the above referenced Affiant.





Notary Public, State of Texas

A FDID <u>KW601</u> ☒ State <u>TX</u> ☒ Incident Date <u>10</u> <u>15</u> <u>2022</u> ☒ Station <u>001</u> ☒ Incident Number <u>0001678</u> ☒ Exposure <u>000</u> ☒ ☐ Delete ☐ Change ☐ No Activity NFIRS-1 Basic		
B Location Type ☒ ☐ Check this box to indicate that the address for this incident is provided on the Wildland Fire Module in Section B, "Alternative Location Specification." Use only for wildland fires. ☒ Street address ☐ Intersection ☐ In front of ☐ Rear of ☐ Adjacent to ☐ Directions ☐ U.S. National Grid Number/Milepost _____ Prefix _____ Street or Highway <u>1400 mesa</u> Apt./Suite/Room _____ City <u>Big Spring</u> State <u>TX</u> ZIP Code <u>79720</u> Suffix _____ Census Tract _____		
C Incident Type ☒ <u>100</u> <u>Fire, other</u> Incident Type	E1 Dates and Times Midnight is 0000 Check boxes if dates are the same as Alarm Date. Alarm ☒ <u>10</u> <u>15</u> <u>2022</u> <u>0245</u> ARRIVAL required, unless canceled or did not arrive ☒ Arrival <u>0253</u> CONTROLLED optional, except for wildland fires ☐ Controlled _____ ☒ Last Unit Cleared <u>0307</u> LAST UNIT CLEARED, required except for wildland fires	E2 Shifts and Alarms Local Option ☐ Shift or Platoon _____ Alarms _____ District <u>004</u>
D Aid Given or Received ☒ None ☐ Mutual aid received ☐ Auto. aid received ☐ Mutual aid given ☐ Auto. aid given ☐ Other aid given Their FDID _____ Their State _____ Their Incident Number _____	E3 Special Studies Local Option Special Study ID# _____ Special Study Value _____	
F Actions Taken ☒ Extinguishment by <u>11</u> <u>fire service personnel</u> Primary Action Taken (1) Additional Action Taken (2) Additional Action Taken (3)	G1 Resources ☒ Check this box and skip this block if an Apparatus or Personnel Module is used. Apparatus _____ Personnel _____ Suppression _____ EMS _____ Other _____ ☐ Check box if resource counts include aid received resources.	G2 Estimated Dollar Losses and Values LOSSES: Required for all fires if known. Optional for non-fires. None Property \$ _____ ☒ Contents \$ _____ ☒ PRE-INCIDENT VALUE: Optional Property \$ _____ ☐ Contents \$ _____ ☐
Completed Modules ☒ Fire-2 ☐ Structure Fire-3 ☐ Civilian Fire Cas.-4 ☐ Fire Service Cas.-5 ☐ EMS-6 ☐ HazMat-7 ☐ Wildland Fire-8 ☒ Apparatus-9 ☒ Personnel-10 ☐ Arson-11	H1 Casualties ☒ None Deaths _____ Injuries _____ Fire Service _____ Civilian _____ H2 Detector Required for confined fires. ☐ Detector alerted occupants ☐ Detector did not alert them ☐ Unknown	H3 Hazardous Materials Release ☐ None ☐ Natural gas: slow leak, no evacuation or HazMat actions ☐ Propane gas: <21-lb tank (as in home BBQ grill) ☐ Gasoline: vehicle fuel tank or portable container ☐ Kerosene: fuel burning equipment or portable storage ☐ Diesel fuel/fuel oil: vehicle fuel tank or portable storage ☐ Household solvents: home/office spill, cleanup only ☐ Motor oil: from engine or portable container ☐ Paint: from paint cans totaling <55 gallons ☐ Other: special HazMat actions required or spill > 55 gal (Please complete the HazMat form.) Mixed Use Property ☐ Not mixed ☐ Assembly use ☐ Education use ☐ Medical use ☐ Residential use ☐ Row of stores ☐ Enclosed mall ☐ Business & residential ☐ Office use ☐ Industrial use ☐ Military use ☐ Farm use ☐ Other mixed use
J Property Use ☒ ☐ None Structures 131 ☐ Church, place of worship 161 ☐ Restaurant or cafeteria 162 ☐ Bar/Tavern or nightclub 213 ☐ Elementary school, kindergarten 215 ☐ High school, junior high 241 ☐ College, adult education 311 ☐ Nursing home 331 ☐ Hospital Outside 124 ☐ Playground or park 655 ☐ Crops or orchard 669 ☐ Forest (timberland) 807 ☐ Outdoor storage area 919 ☐ Dump or sanitary landfill 931 ☐ Open land or field	341 ☐ Clinic, clinic-type infirmary 342 ☐ Doctor/Dentist office 361 ☐ Prison or jail, not juvenile 419 ☒ 1- or 2-family dwelling 429 ☐ Multifamily dwelling 439 ☐ Rooming/Boarding house 449 ☐ Commercial hotel or motel 459 ☐ Residential, board and care 464 ☐ Dormitory/Barracks 519 ☐ Food and beverage sales 936 ☐ Vacant lot 938 ☐ Graded/Cared for plot of land 946 ☐ Lake, river, stream 951 ☐ Railroad right-of-way 960 ☐ Other street 961 ☐ Highway/Divided highway 962 ☐ Residential street/driveway	539 ☐ Household goods, sales, repairs 571 ☐ Gas or service station 579 ☐ Motor vehicle/boat sales/repairs 599 ☐ Business office 615 ☐ Electric-generating plant 629 ☐ Laboratory/Science laboratory 700 ☐ Manufacturing plant 819 ☐ Livestock/Poultry storage (barn) 882 ☐ Non-residential parking garage 891 ☐ Warehouse 981 ☐ Construction site 984 ☐ Industrial plant yard Look up and enter a Property Use code and description only if you have NOT checked a Property Use box. ☐ Property Use _____ Code _____ Property Use Description _____

K1 Person/Entity Involved

Local Option

owner

Business Name (if applicable)

Area Code

Phone Number

☒ Check this box if same address as incident location (Section B). Then skip the three duplicate address lines.

Mr., Ms., Mrs. **Jesus**

First Name

MI

Gonzales

Last Name

Suffix

Number

Prefix

Street or Highway

Street Type

Suffix



Post Office Box

Apt./Suite/Room

City

State

ZIP Code

☐ More people involved? Check this box and attach Supplemental Forms (NFIRS-1S) as necessary.

K2 Owner

Local Option

☐ Same as person involved? Then check this box and skip the rest of this block.

Business Name (if applicable)

Area Code

Phone Number

☐ Check this box if same address as incident location (Section B). Then skip the three duplicate address lines.

Mr., Ms., Mrs.

First Name

MI

Last Name

Suffix

Number

Prefix

Street or Highway

Street Type

Suffix



Post Office Box

Apt./Suite/Room

City

State

ZIP Code

L

Remarks:

The incident narrative is printed on the Supplemental Form.

☒ More remarks? Check this box and attach Supplemental Forms (NFIRS-1S) as necessary.

M Authorization

Check box if same as Officer in charge. ☒

Officer in charge ID

1332

Tye Newman

Signature

Position or rank

station 1

Assignment

10

Month

15

Day

2022

Year

Member making report ID

1332

Tye Newman

Signature

Position or rank

station 1

Assignment

10

Month

15

Day

2022

Year

L**Remarks:**

Local Option

Tye Newman

ladder 1 rescue 2 medic 5 battalion 1 and Eng 5 were dispatched to 1400 mesa in reff to reported flames in a house. UOA we found the owner of the house burning wood in a barrel in the house. The house itself was not on fire. The resident was told that it was unsafe to have a fire in his home not in an approved fireplace. The barrel was carried out of the house and extinguished using a pressurized water can. Information was gathered and all units cleared the scene and back in service.

A FDID <u>KW601</u> ★ State <u>TX</u> ★ Incident Date <u>MM 10 DD 15 YYYY 2022</u> ★ Station <u>001</u> ★ Incident Number <u>0001678</u> ★ Exposure <u>000</u> ★	☐ Delete ☐ Change	NFIRS-2 Fire
---	--	-------------------------------

B Property Details B1 <u>1</u> ☐ Not Residential Estimated number of residential living units in building of origin whether or not all units became involved. B2 <u> </u> ☐ Buildings not involved Number of buildings involved B3 <u> </u> <u> </u> ☒ None ☐ Less than one acre Acres burned (outside fires)	C On-Site Materials or Products ☐ None Complete if there were any significant amounts of commercial, industrial, energy, or agricultural products or materials on the property, whether or not they became involved. Enter up to three codes. Check one box for each code entered. On-site material (1) <u> </u> On-site material (2) <u> </u> On-site material (3) <u> </u> On-Site Materials Storage Use 1 ☐ Bulk storage or warehousing 2 ☐ Processing or manufacturing 3 ☐ Packaged goods for sale 4 ☐ Repair or service U ☐ Undetermined
--	---

D Ignition D1 <u>00</u> <u>origin</u> Area of fire origin D2 <u>40</u> <u>Hot or smoldering object, other</u> Heat source D3 <u>00</u> <u>other</u> Item first ignited D4 <u>60</u> <u>processed, other</u> Type of material first ignited 1 ☐ Check box if fire spread was confined to object of origin. Required only if item first ignited code is 00 or <70.	E1 Cause of Ignition ★ ☐ Check box if this is an exposure report. ➡ Skip to Section G 1 ☒ Intentional 2 ☐ Unintentional 3 ☐ Failure of equipment or heat source 4 ☐ Act of nature 5 ☐ Cause under investigation U ☐ Cause undetermined after investigation E2 Factors Contributing to Ignition ★ ☒ None Factor contributing to ignition (1) <u> </u> Factor contributing to ignition (2) <u> </u>	E3 Human Factors ★ Contributing to Ignition Check all applicable boxes ☒ None 1 ☐ Asleep 2 ☐ Possibly impaired by alcohol or drugs 3 ☐ Unattended person 4 ☐ Possibly mentally disabled 5 ☐ Physically disabled 6 ☐ Multiple persons involved 7 ☐ Age was a factor Estimated age of person involved <u> </u> 1 ☐ Male 2 ☐ Female
---	--	---

F1 Equipment Involved in Ignition ☐ None ➡ If equipment was not involved, skip to Section G. Equipment Involved <u> </u> Brand <u> </u> Model <u> </u> Serial # <u> </u> Year <u> </u>	F2 Equipment Power Source <u> </u> Equipment Power Source F3 Equipment Portability 1 ☐ Portable 2 ☐ Stationary Portable equipment normally can be moved by one or two persons, is designed to be used in multiple locations, and requires no tools to install.	G Fire Suppression Factors ☐ None Enter up to three codes. Fire suppression factor (1) <u> </u> Fire suppression factor (2) <u> </u> Fire suppression factor (3) <u> </u>
---	--	---

H1 Mobile Property Involved ☐ None 1 ☐ Not involved in ignition, but burned 2 ☐ Involved in ignition, but did not burn 3 ☐ Involved in ignition and burned Mobile property model <u> </u> License Plate Number <u> </u> State <u> </u> VIN <u> </u> Year <u> </u>	H2 Mobile Property Type and Make Mobile property type <u> </u> Mobile property make <u> </u> Year <u> </u>	Local Use ☐ Pre-Fire Plan Available Some of the information presented in this report may be based upon reports from other agencies: ☐ Arson report attached ☐ Police report attached ☐ Coroner report attached ☐ Other reports attached _____ _____ _____
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Structure fire? Please be sure to complete the Structure Fire form (NFIRS-3).

NFIRS-2 Revision 01/01/05

A	FDID KW601	State TX	Incident Date 10 15 2022	Station 001	Incident Number 0001678	Exposure 000	☐ Delete ☐ Change	NFIRS-10 Personnel
----------	---	---------------------------------------	---	--	--	---	--	-------------------------------

B Apparatus or Resources	Dates and Times Midnight is 0000 Check if same date as Alarm date on the Basic Module (Block E1). Month Day Year Hour/Min	Sent ☒	Number of People 3	Apparatus Use Check ONE box for each apparatus to indicate its main use at the incident. ☒ Suppression ☐ EMS ☐ Other	Actions Taken List up to 4 actions for each apparatus and each personnel.
1 ID Engine ★Type 11	Dispatch ☒ 0245 Arrival ☒ 0253 Clear ☒ 0307	Sent ☒	3	☒ Suppression ☐ EMS ☐ Other	

Personnel ID ★	Name	Rank or Grade	Attend ☒	Action Taken	Action Taken	Action Taken	Action Taken
1292	Shawn T. Haney		☒				
1620	Connor Brinson		☒				
2116	THOMAS LIGHT		☒				
			☐				
			☐				
			☐				

2 ID Ladder ★Type 12	Dispatch ☒ 0245 Arrival ☒ 0253 Clear ☒ 0307	Sent ☒	2	☒ Suppression ☐ EMS ☐ Other	
---	---	--	---	---	--

Personnel ID ★	Name	Rank or Grade	Attend ☒	Action Taken	Action Taken	Action Taken	Action Taken
1332	Tye Newman		☒				
2107	GARRETT ELLIS		☒				
			☐				
			☐				
			☐				
			☐				

3 ID Rescue ★Type 71	Dispatch ☒ 0245 Arrival ☒ 0253 Clear ☒ 0307	Sent ☒	3	☐ Suppression ☐ EMS ☒ Other	
---	---	--	---	---	--

Personnel ID ★	Name	Rank or Grade	Attend ☒	Action Taken	Action Taken	Action Taken	Action Taken
1798	CHAS WESTBROOK		☒				
0602	Steve Davenport		☒				
1771	Justin McCullough		☒				
			☐				
			☐				
			☐				

B Apparatus or Resources		Dates and Times Midnight is 0000  Check if same date as Alarm date on the Basic Module (Block E1). Month Day Year Hour/Min		Sent ☐	Number of People 	Apparatus Use  Check ONE box for each apparatus to indicate its main use at the incident.	Actions Taken List up to 4 actions for each apparatus and each personnel.	
1 ID Medic 5	Dispatch ☒ 0245 Arrival ☒ 0253 Clear ☒ 0307	Sent ☒	3	☐ Suppression ☒ EMS ☐ Other				

Personnel ID ☆	Name	Rank or Grade	Attend ☐	Action Taken	Action Taken	Action Taken	Action Taken
2169	RENE MENDEZ		☒				
2180	ANTHONY RIOS		☒				
	JAMES MALINOWSKI		☒				
			☐				
			☐				
			☐				

2	ID Battali	Dispatch ☒ 0245	Sent ☒	1	☐ Suppression ☐ EMS ☒ Other	
★Type	92	Arrival ☒ 0253				
		Clear ☒ 0307				

[illegible]

3	ID		Dispatch	☐						Sent	☐		☐ Suppression		
	★Type		Arrival	☐									☐ EMS		
			Clear	☐									☐ Other		

[illegible]

A	FDID KW601 ★	State TX ★	Incident Date 10 15 2022 ★	Station 001	Incident Number 0001678 ★	Exposure 000 ★	☐ Delete ☐ Change ☐ No Activity	ESO-1 Non-NFIRS Fields
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E₁ Additional Incident Times

Month	Day	Year	Hour	Min		Month	Day	Year	Hour	Min
PSAP Recieved	10	15	2022			Dispatch Notified	10	15	2022	

B Apparatus or Resources	Dates and Times Midnight is 0000		
	Month Day Year Hour/Min		
		5 ID	En Route 10 15 2022 0245
		Type	District 10 15 2022
1 ID	En Route 10 15 2022 0245	6 ID	En Route
Type	District 10 15 2022	Type	District
2 ID	En Route 10 15 2022 0245	7 ID	En Route
Type	District 10 15 2022	Type	District
3 ID	En Route 10 15 2022 0245	8 ID	En Route
Type	District 10 15 2022	Type	District
4 ID	En Route 10 15 2022 0245	9 ID	En Route
Type	District 10 15 2022	Type	District

SECTION 8.05. - Emergency abatement.

In the event that a structure constitutes a substantial and immediate hazard to the public health, safety and welfare as a result of fire, civil disobedience or natural disaster to the extent that an imperative public need exists to abate a portion or all of the structure, the Building Inspector may immediately, without prior hearing before the Hearing Board, abate that portion of the structure which causes the hazard, provided:

- (a) The Building Official has made a reasonable effort to determine the name and location of each owner and lien holder or mortgagee and has attempted to give each owner, lien holder and mortgagee notice of the impending action by the Building Inspector. The notice may be given orally, and a record shall be kept of the time and date of each communication.
- (b) The structure shall be abated only to the extent necessary to remove the immediate hazard to the public health, safety and welfare. The structure shall then be treated as any other substandard structure and additional abatement may be done only after notice and hearing.
- (c) A demolition warrant shall be obtained before an emergency demolition.

(Ord. No. 042-2020, § 1, 10-29-20)

STATE OF TEXAS

COUNTY OF HOWARD

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**CERTIFICATION
PHOTOGRAPHS TAKEN BY JACOB LEOS**

“With regard to the photographs in **Exhibits C-3 through C-4** I am familiar with and recognize the scene depicted in the photographs. On October 17, 2022 and October 18, 2022, I inspected the property described as:

Lot 6, Block 5 in the Mountain View Addition of Big Spring, Howard County, Texas, also known as **1400 MESA**, Big Spring, Texas

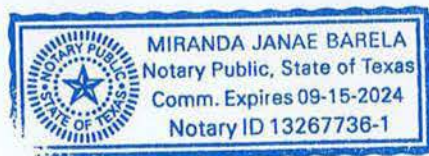
Each of the photographs is a fair and accurate depiction of the scene at the relevant time.”

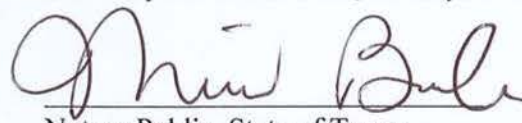
SIGNED on the 7TH day of DECEMBER, 2022.



AFFIANT

SWORN TO AND SUBSCRIBED before me this 7TH day of DECEMBER, 2022 by the above referenced Affiant.





Notary Public, State of Texas



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10/17/2022 13:51

EXHIBIT C-3 1 OF 3





10/17/2022 13:51

EXHIBIT C-3 3 OF 3



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EXHIBIT C-4 1 OF 30



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10/18/2022 8:12

EXHIBIT C-4 2 OF 30



10/18/2022 8:12

EXHIBIT C-4 3 OF 30



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EXHIBIT C-4 4 OF 30



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EXHIBIT C-4 5 OF 30



10/18/2022 8:12



10/18/2022 8:12



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EXHIBIT C-4 8 OF 30



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EXHIBIT C-4 9 OF 30



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EXHIBIT C-4 10 OF 30



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EXHIBIT C-4 11 OF 30



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EXHIBIT C-4 12 OF 30



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EXHIBIT C-4 13 OF 30





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EXHIBIT C-4 15 OF 30



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EXHIBIT C-4 16 OF 30



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EXHIBIT C-4 17 OF 30



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EXHIBIT C-4 18 OF 50



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EXHIBIT C-4 19 OF 30



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EXHIBIT C-4 20 OF 30

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EXHIBIT C-4 21 OF 30



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EXHIBIT C-4 22 OF 30



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EXHIBIT C-4 23 OF 30

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EXHIBIT C-4 25 OF 30



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EXHIBIT C-4 26 OF 30



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EXHIBIT C-4 27 OF 30



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EXHIBIT C-4 28 OF 30



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EXHIBIT C-4 29 OF 30



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10/18/2022 8:17

EXHIBIT C-4 30 OF 30

STATE OF TEXAS
COUNTY OF HOWARD

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**CERTIFICATION
NOTICE SENT BY JACOB LEOS**

“The document in **Exhibit C-5** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

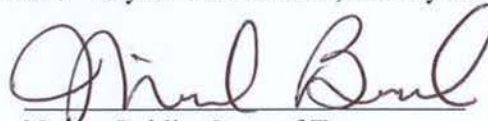
Certified Mail Return for **Exhibit C-5**
is also attached.

SIGNED on the 7TH day of DECEMBER, 2022.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 7TH day of DECEMBER , 2022 by the above referenced Affiant.




Notary Public, State of Texas



Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION, ORDER TO ABATE AND NOTICE OF HEARING

1400 MESA, BIG SPRING, TEXAS 79720
Lot: 6 BK 5 ADDITION: MOUNTAIN VIEW

November 21, 2022

JESUS & INES GONZALES
1400 MESA
BIG SPRING, TX 79720

Sent via: First Class US Mail and Certified Mail

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** and the **Big Spring Zoning Ordinance** have been violated, constituting a nuisance:

VIOLATION	Description of Violation
Sec. 111.1.5 Hazardous structure or premises	Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.
Sec. 302.1 Sanitation.	The exterior of the property and premises are not maintained in a clean, safe, and sanitary condition.
Sec. 302.4 Weeds	The premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches.
Sec. 302.5 Rodent harborage.	The exterior of the property is not being kept free from rodent harborages.
Sec. 308.1. Accumulation of rubbish or garbage.	Exterior property and premises...shall be free from any accumulation of rubbish or garbage.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required

Deadline for Compliance

A fire on the premises occurred on October 15, 2022. The structure was destroyed. The premises is littered with structural debris, remnants from fire, tires, trash, furniture, rubbish, weeds higher than 12 inches, and other accumulation and unsanitary matter that is required to be removed from the property.

Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Jacob Leos

Code Compliance

Name

Department

432-264-2502

Jleos@mybigspring.com

Phone

E-mail

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE.

Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in one or more complaints (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging each violation. A person found guilty may be convicted by the Court and fined. The maximum fine is \$2,000.00 per offense not including court costs. Each day that each and every violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

YOU ARE HEREBY NOTIFIED THAT THE CITY HAS INITIATED PROCEEDINGS TO ABATE THE ABOVE-DESCRIBED NUISANCES AT YOUR EXPENSE.

This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

The City Council will serve as the Hearing Board for your case. The hearing is scheduled for **December 13, 2022 at 5:30 p.m.** at the City Council Chambers located at **307 E 4th St., Big Spring, Texas 79720**. You are encouraged to attend this hearing to demonstrate the scope of work that may be required to comply with the Building Codes and the time it will take to reasonably perform the work.

CONDUCT OF THE HEARING. The Structural Standards Ordinance of the Big Spring City Code provides the following concerning the conduct of the hearing:

SECTION 9.02. - Rules; oral evidence; admissibility of evidence; exclusion of evidence; rights of parties.

- (a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.
- (b) Oral Evidence. Oral evidence shall be taken only on oath or affirmation.
- (c) Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this State.
- (d) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.
- (e) Rights of Parties. Each party shall have the following rights, among others:
 - 1. To call and examine witnesses on any matter relevant to the issues of the hearing;
 - 2. To introduce documentary and physical evidence;
 - 3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
 - 4. To impeach any witness regardless of which party first called him to testify;
 - 5. To rebut the evidence against him;
 - 6. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.
- (f) The City Attorney shall present the case for the City. If the City Attorney is recused or disqualified, the City Manager shall determine who shall present the case for the City.

YOU HAVE A RIGHT TO APPEAL THE DECISION OF THE HEARING BOARD. If the Code Official's order is upheld by the Hearing Board, you may appeal its ruling to the District Court within thirty (30) days pursuant to Section 8.03 of the Structural Standards Ordinance of the Big Spring City Code. If you fail to appeal the Hearing Board's ruling within that time, such order shall be final.

FAILURE TO COMPLY/ATTACHMENT OF LIEN. If the owner of a premises fails to comply with an order of the Board within the time prescribed, and the City conducts abatement or work, either through an available public agency or by contract or arrangement with private persons, and the cost of such abatement work shall be charged against the real estate upon which the nuisance is located and shall be a lien on such real estate.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address

of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. See Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at <https://codes.iccsafe.org/codes/i-codes>.

Sincerely,



Jacob Leos
Code Official
City of Big Spring, Texas

Tracking Number:

Remove X

9489009000276209461365

Copy Add to Informed Delivery
(https://informedelivery.usps.com/)

Latest Update

Your item was delivered to an individual at the address at 12:27 pm on November 23, 2022 in BIG SPRING, TX 79720.

Feedback

Get More Out of USPS Tracking:
USPS Tracking Plus®

Delivered
Delivered, Left with Individual
BIG SPRING, TX 79720
November 23, 2022, 12:27 pm

See All Tracking History

Text & Email Updates	▼
Return Receipt Electronic	▼
USPS Tracking Plus®	▼
Product Information	▼

See Less ^

Track Another Package

Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

FAQs

Feedback

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
OF POSTING OF PUBLIC HEARING**

“The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for **DECEMBER 13, 2022**, attached as **Exhibit C-6**, was posted on or near the front door of each dwelling unit listed in the attached notice on December 3, 2022.

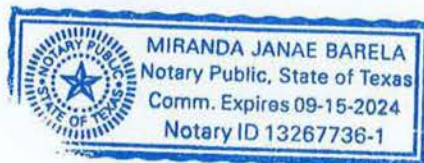
This notice was also published in the Big Spring Herald on DECEMBER 4, 2022.”

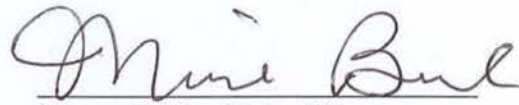
SIGNED on the 7TH day of DECEMBER, 2022.



AFFIANT

SWORN TO AND SUBSCRIBED before me this 7TH day of DECEMBER , 2022 by the above referenced Affiant.





Notary Public, State of Texas

IT SHALL BE UNLAWFUL FOR ANY PERSON TO
TIE OR FASTEN TO THE STREET LIGHT EXCEPT FOR THE PURPOSE
SECURING THE STRUCTURE, OR UPON OR IN THE
IMMEDIATE VICINITY, MAKING THE REQUIRED HOLES
REMOVING THE HAZARDOUS CONDITION OR
DEMOLISHING THE SAME.

James L. ...
Date: ...



BIG SPRING
TEXAS

Journal of Interpersonal Violence 26(10)

100



100

10

1992



1

100

100

100

100



55 of 56

12/ 3/2022 12:59

EXHIBIT C- 6 1 OF 2



Code Enforcement

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF PUBLIC HEARING CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD WILL HOLD A PUBLIC HEARING ON **DECEMBER 13, 2022 AT 5:30 P.M.**, IN THE CITY OF BIG SPRING COUNCIL CHAMBERS AT 307 E 4TH ST., BIG SPRING, TEXAS 79720 TO CONSIDER ABATEMENT OF PUBLIC NUISANCES ON PROPERTIES IN THE CITY OF BIG SPRING, TEXAS. ALL INTERESTED PERSONS MAY SPEAK, THEN A DETERMINATION WILL BE MADE AND REMEDIAL ACTION ORDERED ON THE FOLLOWING PROPERTIES:

1801 JOHNSON, BIG SPRING, TEXAS 79720 – N/2 OF LT 11 ALL LT 12, BK 2, COLLEGE HEIGHTS ADDITION – OWNER: NORA GALVAN, 1801 JOHNSON, BIG SPRING, TEXAS 79720

1524 E 17TH STREET, BIG SPRING, TEXAS 79720 – SC 5, BK 32 1S, BROWN ADDITION – OWNER: SHERRI KELLEY, 1524 E 17TH STREET, BIG SPRING, TEXAS 79720

706 OHIO, BIG SPRING, TEXAS 79720 - LT 6, BK 4, PORTER ADDITION – OWNER: DOROTHY THOMAS, 706 OHIO, BIG SPRING, TEXAS.

1400 MESA, BIG SPRING, TEXAS 79720 – LT 6, BK 5, MOUNTAIN VIEW ADDITION – OWNER: INES JESUS GONZALES AND KRISTINA GONZALES, 1400 MESA, BIG SPRING, TEXAS 79720

1507 WEST 2ND STREET, BIG SPRING, TEXAS 79720 – LT 7, BK 21, JONES VALLEY ADDITION – OWNER: LATRICIA FLORES, 1507 WEST 2ND STREET, BIG SPRING, TEXAS 79720

101 AIRBASE ROAD, BIG SPRING, TEXAS 79720 – W/40 S/100 OF LT 2 & PART LT 4, BK 3, SETTLES HEIGHTS ADDITION – OWNER: JAMES TUBBS, 101 AIRBASE ROAD, BIG SPRING, TEXAS 79720

202 WASHINGTON BLVD, BIG SPRING, TEXAS 79720 – LTS 4-5, BK 9, WASHINGTON PLACE ADDITION – OWNER: KATHRYN CRENSHAW MILCH, 202 WASHINGTON, BIG SPRING, TEXAS 79720

407 AUSTIN, BIG SPRING, TEXAS 79720 – LT 7, BK 58, ORIGINAL TOWN(BK3 PORTER) – OWNER: JUAN H PARRAS, 407 AUSTIN, BIG SPRING, TEXAS 79720

703 JOHNSON, BIG SPRING, TEXAS 79720 – LTS 11, BK 61, ORIGINAL TOWN 1027 – OWNER: ALAN AND HEATHER PORN, 703 JOHNSON, BIG SPRING, TEXAS 79720

THE CITY OF BIG SPRING HEARING BOARD MEETING IS AVAILABLE TO ALL PERSONS REGARDLESS OF DISABILITY. IF YOU REQUIRE SPECIAL ASSISTANCE, PLEASE CONTACT TAMI DAVIS AT 432-264-2513 OR AT 310 NOLAN, BIG SPRING, TEXAS 79720, AT LEAST FORTY-EIGHT (48) HOURS IN ADVANCE OF THE MEETING.

STATE OF TEXAS

COUNTY OF HOWARD

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**AFFIDAVIT OF KALEB SMITH
CONCERNING 101 AIRBASE ROAD**

BEFORE ME, the undersigned authority, on this day, personally appeared **KALEB SMITH**, who, being by me duly sworn, deposed as follows:

“My name is **KALEB SMITH**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

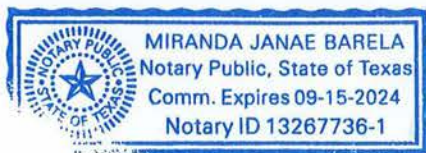
“I am a code compliance official for the City of Big Spring, Texas. In the course of my duties, I inspect properties for compliance with Texas state law and the ordinances of the City of Big Spring. I am an employee of the City of Big Spring and am familiar with the manner in which its records are created and maintained by virtue of my duties and responsibilities. Attached are pages of records relating to the Code Compliance Case for **101 AIRBASE ROAD**, Big Spring, Texas. These are exact duplicates of original records. The records were made at or near the time of each act, event, or finding set forth. The records were made by, or from information transmitted by, persons with knowledge of the matters set forth. The records were kept in the course of regularly conducted business activity. It is the regular practice of the business activity to make the records.”

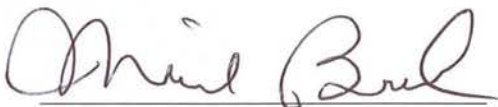
SIGNED on the 7TH day of DECEMBER, 2022.



AFFIANT

SWORN TO AND SUBSCRIBED before me this 7TH day of DECEMBER, 2022 by the above referenced Affiant.





Notary Public, State of Texas

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
CONCERNING THE IDENTITY AND ADDRESS OF
OWNER, LIENHOLDER, OR MORTGAGEE**

"I made a reasonable effort to determine the identity and address of an owner, lienholder, or mortgagee of the property described as:

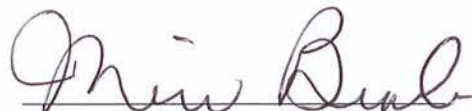
Lot **2 & PART OF LOT 4**, Block **3** in the Settle Heights Addition of Big Spring, Howard County, Texas, also known as **101 AIRBASE ROAD**, Big Spring, Texas

by searching the following records:

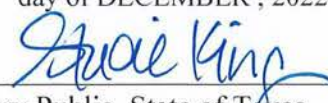
1. county real property records of the county in which the building is located;
2. appraisal district records of the appraisal district in which the building is located;
3. records of the secretary of state;
4. assumed name records of the county in which the building is located;
5. tax records of the municipality; and
6. utility records of the municipality.

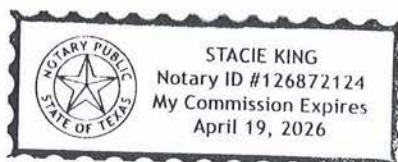
Using the above-described records, I verified that **JAMES TUBBS** is the owner of the property located at the above-described premises and their mailing address is **101 AIRBASE ROAD**, Big Spring, Howard County, Texas, as shown in **Exhibit D-1**.

SIGNED on the 7TH day of DECEMBER, 2022.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 7TH day of DECEMBER, 2022 by the above referenced Affiant.


Notary Public, State of Texas



HOWARD COUNTY APPRAISAL DISTRICT (2023)

Property ID : R000009324

Geo ID : B5400003000

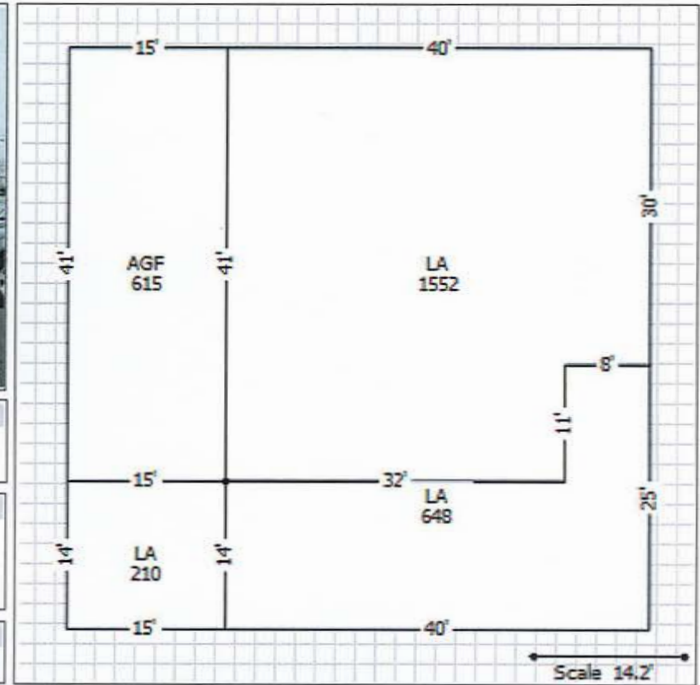
1/1

Ownership	Exemptions/Deed
TUBBS JAMES 101 AIRBASE BIG SPRING, TX 79720-3907	VOL: 0808 PAGE: 388 DATE: 7/25/2000



Legal Information
LEGAL: W/40 S/100 OF LT 2 & PART LT 4 BK 3 SETTLES HEIGHTS 90X100 035 ACQ 072500 BLK/TRACT 3 0.345 ACRES SITUS: 101 AIRBASE ACRES:0.345 ALT:9324 XREF:9324.1

Appraisal Coding
Appr By JD Appr Dt 03/09/21 Check By Check Dt



Sale Dt	Type	Vol	Page	Inst	Deed Dt	Price	Value@Sale	Grantee	Grantor
7/25/00		0808	388	0	7/25/00	+++++	+++++	TUBBS JAMES	MERRILL NOEL G ET AL

Agent	Mortgage	Geo Quad	Aerial	Map Id	Use
		0			

Building Code	Hs	Year/Eff Yr	Class	Sqft	Cpsf	Buildings	Features	Depreciation	%	Condition	%	Fn%	Ec%	Cpl%	Loc%	Net Adj%	Value	Feature Code	Cpsf / Value	
LA-ATTACHED GARAGE	Y	1981/NA	RS3F	1,552	88.74	137,724	0 FA	-46%		0%	0%	0%	100%	0%	0%	-46.0%	74,371	AST-1 STORY	0	
LA-LIVING AREA	Y	1981/NA	RS3F	648	88.74	57,504	0 FA	-46%		0%	0%	0%	100%	0%	0%	-46.0%	31,052	AUT-ALL	0	
LA-LIVING AREA	Y	1981/NA	RS3F	210	88.74	18,635	0 FA	-46%		0%	0%	0%	100%	0%	0%	-46.0%	10,063	GRT-GABLE	0	
AGF-ATTACHED GARAGE	Y	1981/NA	RS3F	615	28.40	17,464	0 FA	-46%		0%	0%	0%	100%	0%	0%	-46.0%	9,431	IRM-METAL ROOF	0	
				=====		=====											=====	SET-STRUC STL	0	
				3,025		231,327	0										124,917	SFN-SLAB	0	
SQFT MA: 2410 MKT CSF MA: 54.452 CSF IMPR: 51.833 LOC CODE: WEST																			AHC-CEN HT AIR	0
																			1BT-1 BATH	0
																			=====	0

SQFT MA: 2410 MKT CSF MA: 54.452 CSF IMPR: 51.833 LOC CODE: WEST

Land Code	Units / Alt Units	Cpu	Cpu Cd	Mkt Cpu	Adjustment Codes	Adj%	Adj Amt	Hs	Mkt Value	Ptd Prd	Prod Code	Prod Use	Yr Grant	Units	Cpu	Spec Value
LFF12	100.0 FF/100.0 RF/93.0 DF LOTS	40.0		40.00		0%		Y	4,000	A1						
									=====							=====
									4,000							0

Comments

2023	Ptd	Change +/-	Prior	2022	Ptd	Entity / Description	Exemption	Txbl Value	Rate Per \$100	Frz Yr	Ext. Tax Levy	Nbh Coding	Misc Coding
Impr Homesite +	127,229	A1	0	127,229	A1	01H HOWARD COUNTY	27,075	48,301	.3275450		158.21		WEST22
Land Homesite +	4,000	A1	0	4,000	A1	02B CITY OF BIG SPRING	20,075	55,301	.6731630		372.27		
Total Market =	131,229		0	131,229		03B BIG SPRING ISD	65,075	10,301	1.0160000	2016	41.62		
Hs Cap Loss -	55,853		0	55,853		052 HOWARD COLLEGE	27,075	48,301	.2367770		114.37		
Assessed =	75,376		0	75,376		** ESTIMATED TOTAL					=====		
											686.47		

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
101 AIRBASE ROAD CASE NOTES**

“This record, attached as **Exhibit D-2**, was made at or near the time by – or from information transmitted by a person or persons with the City with knowledge.

This record was kept in the course of a regularly conducted business activity of the Code Compliance Department of the City of Big Spring, Texas.

Making this record was a regular practice of that activity.

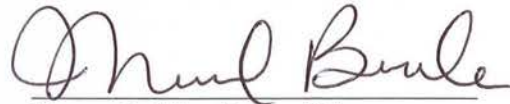
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout certain data.
7. I used the proper procedures to obtain the readout.
8. The computer was in working order at the time I obtained the readout.
9. I recognize the attached **Exhibit D-2** as the readout.”

SIGNED on the 7TH day of DECEMBER, 2022.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 7TH day of DECEMBER, 2022 by the above referenced Affiant.




Notary Public, State of Texas

TASK #: 112717

ORIG. DATE:

TASK CODE: INSPECT ACCUMULATED

DUE DATE: J

PROPERTY: 101 AIRBASE RD

NOTES

Incident Notes:

Task #: 112717 - INSPECT ACCUMULATED - 9/29/2022

10/11/22 Property owner has mowed most of the property. Other than that there has been little to no progress and there has been no attempts by the property owner to contact me. Per request by City Manager, I am moving this case to the next public hearing.

Task #: 112718 - ACCUMULATED ITEMS - 9/29/2022

STATE OF TEXAS

COUNTY OF HOWARD

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**CERTIFICATION
FIRE MARSHAL'S FIRE REPORT**

"The fire report, attached as **Exhibit D-3**, presents factual findings from a legally authorized investigation of the Fire Marshal. The document is a copy of the official record."

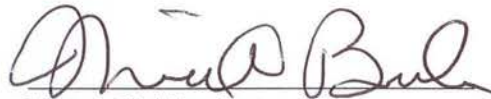
SIGNED on the 7TH day of DECEMBER, 2022.



AFFIANT

SWORN TO AND SUBSCRIBED before me this 7TH day of DECEMBER , 2022 by the above referenced Affiant.





Notary Public, State of Texas

A	FDID	TX	MM	DD	YYYY	Station	Incident Number 0001465	Exposure 000	☐ Delete ☐ Change ☐ No Activity	NFIRS-1 Basic
B	Location Type ☐ Check this box to indicate that the address for this incident is provided on the Wildland Fire Module in Section B, "Alternative Location Specification." Use only for wildland fires.									
	☒ Street address ☐ Intersection 101 Airbase ☐ In front of ☐ Rear of Big Spring TX 79720 ☐ Adjacent to ☐ Directions ☐ U.S. National Grid									
C	Incident Type 137 Camper or recreational... Incident Type									
D	Aid Given or Received ☐ ☒ None 1 ☐ Mutual aid received 2 ☐ Auto. aid received 3 ☐ Mutual aid given 4 ☐ Auto. aid given 5 ☐ Other aid given									
E1	Dates and Times Midnight is 0000 Check boxes if dates are the same as Alarm Date. Alarm 09 05 2022 1838 ARRIVAL required, unless canceled or did not arrive ☒ Arrival 1843 CONTROLLED optional, except for wildland fires ☐ Controlled ☒ Last Unit Cleared 1928									
E2	Shifts and Alarms Local Option 001 Shift or Platoon Alarms District									
E3	Special Studies Local Option Special Study ID# Special Study Value									
F	Actions Taken 11 Extinguishment by fire service personnel Primary Action Taken (1) Additional Action Taken (2) Additional Action Taken (3)									
G1	Resources ☐ Check this box and skip this block if an Apparatus or Personnel Module is used. Apparatus Personnel Suppression 3 9 EMS 1 2 Other 1 1 ☐ Check box if resource counts include aid received resources.									
G2	Estimated Dollar Losses and Values LOSSES: Required for all fires if known. Optional for non-fires. None Property \$ 000 000 500 Contents \$ 000 000 500 PRE-INCIDENT VALUE: Optional Property \$ Contents \$									
H1	Casualties ☒ None Deaths Injuries Fire Service Civilian H2 Detector Required for confined fires. 1 ☐ Detector alerted occupants 2 ☐ Detector did not alert them U ☐ Unknown									
H3	Hazardous Materials Release ☐ None 1 ☐ Natural gas: slow leak, no evacuation or HazMat actions 2 ☐ Propane gas: <21-lb tank (as in home BBQ grill) 3 ☐ Gasoline: vehicle fuel tank or portable container 4 ☐ Kerosene: fuel burning equipment or portable storage 5 ☐ Diesel fuel/fuel oil: vehicle fuel tank or portable storage 6 ☐ Household solvents: home/office spill, cleanup only 7 ☐ Motor oil: from engine or portable container 8 ☐ Paint: from paint cans totaling <55 gallons 0 ☐ Other: special HazMat actions required or spill > 55 gal (Please complete the HazMat form.)									
I	Mixed Use Property ☐ Not mixed 10 ☐ Assembly use 20 ☐ Education use 33 ☐ Medical use 40 ☐ Residential use 51 ☐ Row of stores 53 ☐ Enclosed mall 58 ☐ Business & residential 59 ☐ Office use 60 ☐ Industrial use 63 ☐ Military use 65 ☐ Farm use 00 ☐ Other mixed use									
J	Property Use ☐ None Structures 131 ☐ Church, place of worship 161 ☐ Restaurant or cafeteria 162 ☐ Bar/Tavern or nightclub 213 ☐ Elementary school, kindergarten 215 ☐ High school, junior high 241 ☐ College, adult education 311 ☐ Nursing home 331 ☐ Hospital Outside 124 ☐ Playground or park 655 ☐ Crops or orchard 669 ☐ Forest (timberland) 807 ☐ Outdoor storage area 919 ☐ Dump or sanitary landfill 931 ☐ Open land or field 341 ☐ Clinic, clinic-type infirmary 342 ☐ Doctor/Dentist office 361 ☐ Prison or jail, not juvenile 419 ☐ 1- or 2-family dwelling 429 ☐ Multifamily dwelling 439 ☐ Rooming/Boarding house 449 ☐ Commercial hotel or motel 459 ☐ Residential, board and care 464 ☐ Dormitory/Barracks 519 ☐ Food and beverage sales 539 ☐ Household goods, sales, repairs 571 ☐ Gas or service station 579 ☐ Motor vehicle/boat sales/repairs 599 ☐ Business office 615 ☐ Electric-generating plant 629 ☐ Laboratory/Science laboratory 700 ☐ Manufacturing plant 819 ☐ Livestock/Poultry storage (barn) 882 ☐ Non-residential parking garage 891 ☐ Warehouse 936 ☐ Vacant lot 938 ☐ Graded/Cared for plot of land 946 ☐ Lake, river, stream 951 ☐ Railroad right-of-way 960 ☐ Other street 961 ☐ Highway/Divided highway 962 ☐ Residential street/driveway									
Look up and enter a Property Use code and description only if you have NOT checked a Property Use box.										Property Use 400 Code Residential, other Property Use Description

NFIRS-1 Revision 01/01/05

K1 Person/Entity Involved

Local Option

Business Name (if applicable) _____ Area Code _____ Phone Number _____

☐ Check this box if same address as incident location (Section B). Then skip the three duplicate address lines.

Mr., Ms., Mrs. _____ First Name _____ MI _____ Last Name _____ Suffix _____

Number _____ Prefix _____ Street or Highway _____ Street Type _____ Suffix _____



Post Office Box _____ Apt./Suite/Room _____ City _____

State _____ ZIP Code _____

☐ More people involved? Check this box and attach Supplemental Forms (NFIRS-1S) as necessary.

K2 Owner

Local Option

☐ Same as person involved? Then check this box and skip the rest of this block.

Business Name (if applicable) _____ Area Code _____ Phone Number _____

☒ Check this box if same address as incident location (Section B). Then skip the three duplicate address lines.

Mr., Ms., Mrs. _____ **Linda** First Name _____ MI _____ **Tubb** Last Name _____ Suffix _____

Number _____ Prefix _____ Street or Highway _____ Street Type _____ Suffix _____



Post Office Box _____ Apt./Suite/Room _____ City _____

State _____ ZIP Code _____

L**Remarks:**

The incident narrative is printed on the Supplemental Form.

☒ More remarks? Check this box and attach Supplemental Forms (NFIRS-1S) as necessary.

M Authorization

Check box if same as Officer in charge. ☒

Officer in charge ID **0429** Signature **Daniel Gibbs** Position or rank _____ Assignment **L1** Month **09** Day **05** Year **2022**

Member making report ID **0429** Signature **Daniel Gibbs** Position or rank _____ Assignment **L1** Month **09** Day **05** Year **2022**

A	FDID KW601 ★	State TX ★	Incident Date MM 09 DD 05 YYYY 2022 ★	Station 001	Incident Number 0001465 ★	Exposure 000 ★	☐ Delete ☐ Change	NFIRS-2 Fire
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B Property Details B1 1 ☐ Not Residential Estimated number of residential living units in building of origin whether or not all units became involved. B2 ☐ Buildings not involved Number of buildings involved B3 , ☒ None ☐ Less than one acre Acres burned (outside fires)	C On-Site Materials or Products ☐ None Complete if there were any significant amounts of commercial, industrial, energy, or agricultural products or materials on the property, whether or not they became involved. Enter up to three codes. Check one box for each code On-site material (1) On-site material (2) On-site material (3) On-Site Materials Storage Use 1 ☐ Bulk storage or warehousing 2 ☐ Processing or manufacturing 3 ☐ Packaged goods for sale 4 ☐ Repair or service U ☐ Undetermined 1 ☐ Bulk storage or warehousing 2 ☐ Processing or manufacturing 3 ☐ Packaged goods for sale 4 ☐ Repair or service U ☐ Undetermined 1 ☐ Bulk storage or warehousing 2 ☐ Processing or manufacturing 3 ☐ Packaged goods for sale 4 ☐ Repair or service U ☐ Undetermined
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D Ignition D1 80 ☐ Vehicle area, other ★ Area of fire origin D2 UU ☐ Undetermined ★ Heat source D3 UU ☐ Undetermined ★ Item first ignited ☐ Check box if fire spread was confined to object of origin. D4 Type of material first ignited Required only if item first ignited code is 00 or <70.	E1 Cause of Ignition ★ ☐ Check box if this is an exposure report. ➡ Skip to Section G 1 ☐ Intentional 2 ☐ Unintentional 3 ☐ Failure of equipment or heat source 4 ☐ Act of nature 5 ☐ Cause under investigation U ☒ Cause undetermined after investigation E2 Factors Contributing to Ignition ★ ☐ None UU ☐ Undetermined Factor contributing to ignition (1) Factor contributing to ignition (2)	E3 Human Factors ★ Contributing to Ignition Check all applicable boxes ☐ None 1 ☐ Asleep 2 ☒ Possibly impaired by alcohol or drugs 3 ☐ Unattended person 4 ☒ Possibly mentally disabled 5 ☐ Physically disabled 6 ☐ Multiple persons involved 7 ☐ Age was a factor Estimated age of person involved 1 ☐ Male 2 ☐ Female
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F1 Equipment Involved in Ignition ☐ None ➡ If equipment was not involved, skip to Section G. Equipment Involved Brand Model Serial # Year	F2 Equipment Power Source Equipment Power Source F3 Equipment Portability 1 ☐ Portable 2 ☐ Stationary Portable equipment normally can be moved by one or two persons, is designed to be used in multiple locations, and requires no tools to install.	G Fire Suppression Factors ☐ None Enter up to three codes. Fire suppression factor (1) Fire suppression factor (2) Fire suppression factor (3)
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H1 Mobile Property Involved ☐ None 1 ☐ Not involved in ignition, but burned 2 ☐ Involved in ignition, but did not burn 3 ☒ Involved in ignition and burned Mobile property model License Plate Number State VIN Structure fire? Please be sure to complete the Structure Fire form (NFIRS-3).	H2 Mobile Property Type and Make Mobile property, 00 other Mobile property type AV Antique Vehicle Mobile property make Year	Local Use ☐ Pre-Fire Plan Available Some of the information presented in this report may be based upon reports from other agencies: ☐ Arson report attached ☐ Police report attached ☐ Coroner report attached ☐ Other reports attached
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L**Remarks:**

Local Option

Daniel Gibbs

L1 dispatched to a trailer fire at W. Hwy 80 and Airbase Rd. UOA found a small camper trailer parked next to a metal commercial type building fully involved. Preconnect pulled from L1 to knock down camper fire and cool affected side of metal building which is being used as a residence. Approximately 500 gallons of water used to extinguish fire and cool metal building and hot spots of contents in camper. Occupants or owner of metal building fled scene before BSFD and BSPD arrival leaving front entry door open. Investigation revealed no fire spread into Metal building. Owner info obtained via BSPD, no contact info. 17 advised dispatch that a woman was possibly injured in fire but was not on scene UOA. R-2, E-5, B-1, and M-5 on scene. Overhaul done on camper to insure the contents were not smouldering. Animal control dispatched to the scene due to cat inside of metal building tied up in a rope. L1 and all other units back in service.

STATE OF TEXAS

COUNTY OF HOWARD

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**CERTIFICATION
PHOTOGRAPHS TAKEN BY KALEB SMITH**

“With regard to the photographs in **Exhibits D-4 through D-5** I am familiar with and recognize the scene depicted in the photographs. On September 21, 2022 and October 11, 2022, I inspected the property described as:

Lot **2 & PART OF LOT 4**, Block **3** in the Settle Heights Addition of Big Spring, Howard County, Texas, also known as **101 AIRBASE ROAD**, Big Spring, Texas

Each of the photographs is a fair and accurate depiction of the scene at the relevant time.”

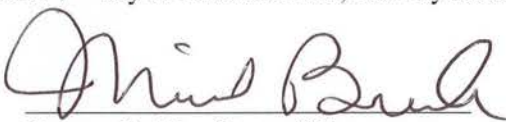
SIGNED on the 7TH day of DECEMBER, 2022.



AFFIANT

SWORN TO AND SUBSCRIBED before me this 7TH day of DECEMBER, 2022 by the above referenced Affiant.





Notary Public, State of Texas



12 of 50

2022. 9. 21 14:05

EXHIBIT D-4 1 OF 9



13 of 50

2022. 9. 21 14:05

EXHIBIT D-4 2 OF 9



14 of 50

2022. 9. 21 14:05

EXHIBIT D-4 3 OF 9



2022. 9.21 14:06

EXHIBIT D-4 4 OF 9



2022. 9. 21 14:06

EXHIBIT D-4 5 OF 9



2022. 9. 21 14:06

EXHIBIT D-4 6 OF 9



18 of 50

2022. 9. 21 14:06

EXHIBIT D-4 7 OF 9



2022. 9. 21 14:06

EXHIBIT D-4 8 OF 9



20 of 50

2022. 9. 21 14:06

EXHIBIT D-4 9 OF 9



2022.10.11 10:21
EXHIBIT D-5 1 OF 10



22 of 50

2022.10.11 10:21
EXHIBIT D-5 2 OF 10



23 of 50

2022.10.11 10:21
EXHIBIT D-5 3 OF 10



24 of 50

2022.10.11 10:21
EXHIBIT D-5 4 OF 10



25 of 50

2022.10.11 10:22

EXHIBIT D-5 5 OF 10



26 of 50

2022.10.11 10:22
EXHIBIT D-5 6 OF 10



27 of 50

2022.10.11 10:22
EXHIBIT D-5 7 OF 10



28 of 50

2022.10.11 10:22
EXHIBIT D-5 8 OF 10



29 of 50

2022.10.11 10:22

EXHIBIT D-5 9 OF 10



30 of 50

2022.10.11 10:22

EXHIBIT D-5 10 OF 10

STATE OF TEXAS

COUNTY OF HOWARD

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**CERTIFICATION
NOTICE SENT BY KALEB SMITH**

“The document in **Exhibit D-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

Certified Mail Return for **Exhibit D-6**
is also attached.

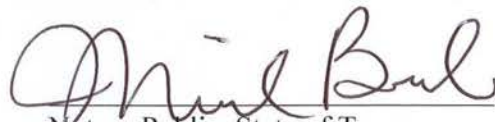
SIGNED on the 7TH day of DECEMBER, 2022.



AFFIANT

SWORN TO AND SUBSCRIBED before me this 7TH day of DECEMBER , 2022 by the above referenced Affiant.





Notary Public, State of Texas



Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

101 AIRBASE RD

Lot: LT 2 & PART LT 4 BK: 3 SETTLES HEIGHTS 90X100 035

September 29, 2022

Case No: 71180

JAMES TUBBS
101 AIRBASE RD
BIG SPRING TX 79720-3907

Sent via: First Class US Mail

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** have been violated, constituting a nuisance:

VIOLATION

Description of Violation

Property Maintenance Code
Sec. 302.4 Weeds

Premises and exterior property not maintained free from weeds or plant growth in excess of 12 inches (not including shrubs, trees or cultivated flowers).

The following actions are required to correct these violations within the deadlines.

Corrective Action Required

Deadline for Compliance

Property is overgrown and needs to be mowed. This is the only notice you will receive for the next 12 months. If problem persists criminal charges will be filed.

Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Kaleb Smith

Name

Code Compliance

Department

432-264-2508

Phone

ksmith@mybigspring.com

E-mail

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY OWNER(S) WITH COSTS AND PENALTIES. If you fail to take the corrective action within the deadlines stated above, the City may proceed with abatement (taking the corrective action for you). If so, the City will send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

ANNUAL NOTICE FOR WEEDS. If a violation covered by this notice occurs before the first anniversary of the date of this notice, and the City had not been informed in writing by the owner of an ownership change, then the City, without further notice, may take the corrective action and charge the abatement costs to the owner and file the lien as above.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. See Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at <https://codes.iccsafe.org/codes/i-codes>.

Sincerely,



Kaleb Smith
Code Compliance Official
City of Big Spring, Texas



Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

101 AIRBASE RD

Lot: 2 & PART LT 4 BK: 3 SETTLES HEIGHTS 90X100 035

September 29, 2022

Case No: 71181

JAMES TUBBS
101 AIRBASE RD
BIG SPRING TX 79720-3907

Sent via: First Class US Mail

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** and **Big Spring City Code Chapter 36** have been violated, constituting a nuisance:

VIOLATION

Description of Violation

Property Maintenance Code
Sec. 302.5 Rodent Harborage

Structures and exterior property shall be kept free from rodent harborage and infestation.

Big Spring City Code
Sec. 36-62. Dumping, accumulating, etc., garbage and trash so as to afford food or harborage for rats.

No garbage, rubbish, waste, or manure shall be placed, left, dumped, or permitted to accumulate or remain in any building or premises in the city so that the same shall or may afford food for or a harboring or breeding place for rats.

Big Spring City Code
Sec. 36.63 Accumulations of lumber, boxes, barrels, etc.

It shall be unlawful for any person to permit to accumulate on any premises, improved or unimproved, or on any open lot or alley in the city any lumber, boxes, barrels, bricks, or stones or similar materials that may be permitted to remain thereon, and that may be used as harborage by rats, unless same are placed on open racks and elevated not less than 18 inches above the ground with a clear intervening space beneath, to prevent the harborage of rats.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
There is an accumulation of items that provide harborage and/or food to rodents and other vermin that needs to be removed from the property.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Kaleb Smith

Name

Code Compliance

Department

432-264-2508

Phone

ksmith@mybigspring.com

E-mail

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY

RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY
RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY
OWNER(S) WITH COSTS AND PENALTIES.

If you fail to take the corrective action within the deadlines stated above, the City may initiate Proceedings to Abate. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be

personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL. Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. See Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at <https://codes.iccsafe.org/codes/i-codes>.

Sincerely,



Kaleb Smith
Code Official
City of Big Spring, Texas



Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

101 AIRBASE RD

Lot: 2 & PART LT 4 BK: 3 SETTLES HEIGHTS 90X100 035

September 29, 2022

Case No: 71181

JAMES TUBBS
101 AIRBASE RD
BIG SPRING TX 79720-3907

Sent via: First Class US Mail

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** and **Big Spring City Code Chapter 36** have been violated, constituting a nuisance:

VIOLATION

Description of Violation

Property Maintenance Code
Sec. 302.5 Rodent Harborage

Structures and exterior property shall be kept free from rodent harborage and infestation.

Big Spring City Code
Sec. 36-62. Dumping, accumulating, etc., garbage and trash so as to afford food or harborage for rats.

No garbage, rubbish, waste, or manure shall be placed, left, dumped, or permitted to accumulate or remain in any building or premises in the city so that the same shall or may afford food for or a harboring or breeding place for rats.

Big Spring City Code
Sec. 36.63 Accumulations of lumber, boxes, barrels, etc.

It shall be unlawful for any person to permit to accumulate on any premises, improved or unimproved, or on any open lot or alley in the city any lumber, boxes, barrels, bricks, or stones or similar materials that may be permitted to remain thereon, and that may be used as harborage by rats, unless same are placed on open racks and elevated not less than 18 inches above the ground with a clear intervening space beneath, to prevent the harborage of rats.



Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

101 AIRBASE RD

Lot: 2 & PART LT 4 BK: 3 SETTLES HEIGHTS 90X100 035

September 29, 2022

Case No: 71182

JAMES TUBBS
101 AIRBASE RD
BIG SPRING TX 79720-3907

Sent via: First Class US Mail

The City of Big Spring has determined that the following section of the **Property Maintenance Code (PMC) of Big Spring** has been violated, constituting a nuisance:

VIOLATION

Description of Violation

Property Maintenance Code
Sec. 302.1 Sanitation

The exterior of the property and premises are not maintained in a clean, safe, and sanitary condition.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required

Deadline for Compliance

There are several items (tires, scrap metal, scrap wood, scrap plastic, the burnt camper, burnt remnants of the camper, trash, and tons of accumulated items) that need to be removed from public view. If problem persists criminal charges will be filed.

Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Kaleb Smith

Name

Code Compliance

Department

432-264-2508

Phone

ksmith@mybigspring.com

E-mail

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE.

Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY OWNER(S) WITH COSTS AND PENALTIES.

If you fail to take the corrective action within the deadlines stated above, the City may initiate Proceedings to Abate. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property—with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. See Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at

<https://codes.iccsafe.org/codes/i-codes>.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kaleb Smith', with a long horizontal flourish extending to the right.

Kaleb Smith
Code Compliance Official
City of Big Spring, Texas



Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION, ORDER TO ABATE AND NOTICE OF HEARING

101 AIRBASE ROAD, BIG SPRING, TEXAS 79720
Lot: 2 & PART OF LOT 4 BK 3 : SETTLE HEIGHTS ADDITION

November 21, 2022

JAMES TUBBS
101 AIRBASE ROAD
BIG SPRING, TX 79720-3907

Sent via: First Class US Mail and Certified Mail

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** and the **Big Spring Zoning Ordinance** have been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code	
Sec. 302.1 Sanitation.	The exterior of the property and premises are not maintained in a clean, safe, and sanitary condition.
Sec. 302.4 Weeds	The premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches.
Sec. 302.5 Rodent harborage.	The exterior of the property is not being kept free from rodent harborages.
Sec. 308.1. Accumulation of rubbish or garbage.	Exterior property and premises...shall be free from any accumulation of rubbish or garbage.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required

The premises is littered with tires, trash, furniture, rubbish, weeds higher than 12 inches, and other accumulation and unsanitary matter that is required to be removed from the property.

Deadline for Compliance

Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Kaleb Smith

Name

Code Compliance

Department

432-264-2508

Phone

ksmith@mybigspring.com

E-mail

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE.

Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in one or more complaints (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging each violation. A person found guilty may be convicted by the Court and fined. The maximum fine is \$2,000.00 per offense not including court costs. Each day that each and every violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

YOU ARE HEREBY NOTIFIED THAT THE CITY HAS INITIATED PROCEEDINGS TO ABATE THE ABOVE-DESCRIBED NUISANCES AT YOUR EXPENSE.

This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

The City Council will serve as the Hearing Board for your case. The hearing is scheduled for **December 13, 2022 at 5:30 p.m.** at the City Council Chambers located at **307 E 4th St., Big Spring, Texas 79720**. You are encouraged to attend this hearing to demonstrate the scope of work that may be required to comply with the Building Codes and the time it will take to reasonably perform the work.

CONDUCT OF THE HEARING. The Structural Standards Ordinance of the Big Spring City Code provides the following concerning the conduct of the hearing:

SECTION 9.02. - Rules; oral evidence; admissibility of evidence; exclusion of evidence; rights

- (a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.
- (b) Oral Evidence. Oral evidence shall be taken only on oath or affirmation.
- (c) Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this State.
- (d) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.
- (e) Rights of Parties. Each party shall have the following rights, among others:
 - 1. To call and examine witnesses on any matter relevant to the issues of the hearing;
 - 2. To introduce documentary and physical evidence;
 - 3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
 - 4. To impeach any witness regardless of which party first called him to testify;
 - 5. To rebut the evidence against him;
 - 6. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.
- (f) The City Attorney shall present the case for the City. If the City Attorney is recused or disqualified, the City Manager shall determine who shall present the case for the City.

YOU HAVE A RIGHT TO APPEAL THE DECISION OF THE HEARING BOARD. If the Code Official's order is upheld by the Hearing Board, you may appeal its ruling to the District Court within thirty (30) days pursuant to Section 8.03 of the Structural Standards Ordinance of the Big Spring City Code. If you fail to appeal the Hearing Board's ruling within that time, such order shall be final.

FAILURE TO COMPLY/ATTACHMENT OF LIEN. If the owner of a premises fails to comply with an order of the Board within the time prescribed, and the City conducts abatement or work, either through an available public agency or by contract or arrangement with private persons, and the cost of such abatement work shall be charged against the real estate upon which the nuisance is located and shall be a lien on such real estate.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date

by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. See Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at <https://codes.iccsafe.org/codes/i-codes>.

Sincerely,



Jacob Leos on behalf of Kaleb Smith
Code Official
City of Big Spring, Texas

Tracking Number:

Remove X

9489009000276209461334

Copy Add to Informed Delivery
(https://informedelivery.usps.com/)

Latest Update

Your item was delivered to an individual at the address at 12:15 pm on November 23, 2022 in BIG SPRING, TX 79720.

Feedback

Get More Out of USPS Tracking:
USPS Tracking Plus®

Delivered
Delivered, Left with Individual
BIG SPRING, TX 79720
November 23, 2022, 12:15 pm

See All Tracking History

Text & Email Updates	▼
Return Receipt Electronic	▼
USPS Tracking Plus®	▼
Product Information	▼

See Less ^

Track Another Package

Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

[FAQs](#)

Feedback

STATE OF TEXAS

COUNTY OF HOWARD

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**CERTIFICATION
OF POSTING OF PUBLIC HEARING**

“The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for **DECEMBER 13, 2022**, attached as **Exhibit D-7**, was posted on or near the front door of each dwelling unit listed in the attached notice on December 3, 2022.

This notice was also published in the Big Spring Herald on DECEMBER 4, 2022.”

SIGNED on the 7TH day of DECEMBER, 2022.



AFFIANT

SWORN TO AND SUBSCRIBED before me this 7TH day of DECEMBER, 2022 by the above referenced Affiant.





Notary Public, State of Texas





Code Enforcement

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF PUBLIC HEARING CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD WILL HOLD A PUBLIC HEARING ON **DECEMBER 13, 2022 AT 5:30 P.M.**, IN THE CITY OF BIG SPRING COUNCIL CHAMBERS AT 307 E 4TH ST., BIG SPRING, TEXAS 79720 TO CONSIDER ABATEMENT OF PUBLIC NUISANCES ON PROPERTIES IN THE CITY OF BIG SPRING, TEXAS. ALL INTERESTED PERSONS MAY SPEAK, THEN A DETERMINATION WILL BE MADE AND REMEDIAL ACTION ORDERED ON THE FOLLOWING PROPERTIES:

1801 JOHNSON, BIG SPRING, TEXAS 79720 – N/2 OF LT 11 ALL LT 12, BK 2, COLLEGE HEIGHTS ADDITION – OWNER: NORA GALVAN, 1801 JOHNSON, BIG SPRING, TEXAS 79720

1524 E 17TH STREET, BIG SPRING, TEXAS 79720 – SC 5, BK 32 1S, BROWN ADDITION – OWNER: SHERRI KELLEY, 1524 E 17TH STREET, BIG SPRING, TEXAS 79720

706 OHIO, BIG SPRING, TEXAS 79720 - LT 6, BK 4, PORTER ADDITION – OWNER: DOROTHY THOMAS, 706 OHIO, BIG SPRING, TEXAS.

1400 MESA, BIG SPRING, TEXAS 79720 – LT 6, BK 5, MOUNTAIN VIEW ADDITION – OWNER: INES JESUS GONZALES AND KRISTINA GONZALES, 1400 MESA, BIG SPRING, TEXAS 79720

1507 WEST 2ND STREET, BIG SPRING, TEXAS 79720 – LT 7, BK 21, JONES VALLEY ADDITION – OWNER: LATRICIA FLORES, 1507 WEST 2ND STREET, BIG SPRING, TEXAS 79720

101 AIRBASE ROAD, BIG SPRING, TEXAS 79720 – W/40 S/100 OF LT 2 & PART LT 4, BK 3, SETTLES HEIGHTS ADDITION – OWNER: JAMES TUBBS, 101 AIRBASE ROAD, BIG SPRING, TEXAS 79720

202 WASHINGTON BLVD, BIG SPRING, TEXAS 79720 – LTS 4-5, BK 9, WASHINGTON PLACE ADDITION – OWNER: KATHRYN CRENSHAW MILCH, 202 WASHINGTON, BIG SPRING, TEXAS 79720

407 AUSTIN, BIG SPRING, TEXAS 79720 – LT 7, BK 58, ORIGINAL TOWN(BK3 PORTER) – OWNER: JUAN H PARRAS, 407 AUSTIN, BIG SPRING, TEXAS 79720

703 JOHNSON, BIG SPRING, TEXAS 79720 – LTS 11, BK 61, ORIGINAL TOWN 1027 – OWNER: ALAN AND HEATHER PORN, 703 JOHNSON, BIG SPRING, TEXAS 79720

THE CITY OF BIG SPRING HEARING BOARD MEETING IS AVAILABLE TO ALL PERSONS REGARDLESS OF DISABILITY. IF YOU REQUIRE SPECIAL ASSISTANCE, PLEASE CONTACT TAMI DAVIS AT 432-264-2513 OR AT 310 NOLAN, BIG SPRING, TEXAS 79720, AT LEAST FORTY-EIGHT (48) HOURS IN ADVANCE OF THE MEETING.

STATE OF TEXAS

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COUNTY OF HOWARD

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**AFFIDAVIT OF JACOB LEOS
CONCERNING 202 WASHINGTON BOULEVARD**

BEFORE ME, the undersigned authority, on this day, personally appeared **JACOB LEOS**, who, being by me duly sworn, deposed as follows:

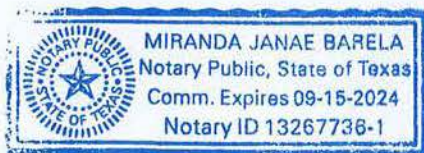
“My name is **JACOB LEOS**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

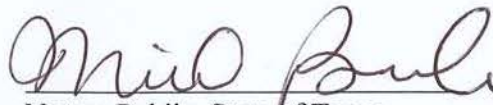
“I am a code compliance official for the City of Big Spring, Texas. In the course of my duties, I inspect properties for compliance with Texas state law and the ordinances of the City of Big Spring. I am an employee of the City of Big Spring and am familiar with the manner in which its records are created and maintained by virtue of my duties and responsibilities. Attached are pages of records relating to the Code Compliance Case for **202 WASHINGTON BOULEVARD**, Big Spring, Texas. These are exact duplicates of original records. The records were made at or near the time of each act, event, or finding set forth. The records were made by, or from information transmitted by, persons with knowledge of the matters set forth. The records were kept in the course of regularly conducted business activity. It is the regular practice of the business activity to make the records.”

SIGNED on the 7TH day of DECEMBER, 2022.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 7TH day of DECEMBER, 2022 by the above referenced Affiant.




Notary Public, State of Texas

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
CONCERNING THE IDENTITY AND ADDRESS OF
OWNER, LIENHOLDER, OR MORTGAGEE**

"I made a reasonable effort to determine the identity and address of an owner, lienholder, or mortgagee of the property described as:

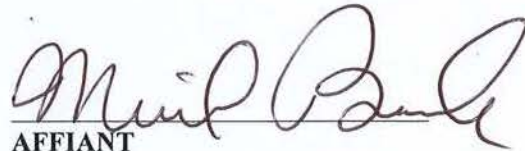
Lot 4-5, Block 9 in the Washington Place Addition of Big Spring, Howard County, Texas, also known as **202 WASHINGTON BOULEVARD**, Big Spring, Texas

by searching the following records:

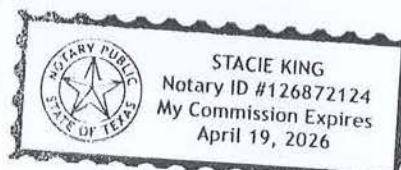
1. county real property records of the county in which the building is located;
2. appraisal district records of the appraisal district in which the building is located;
3. records of the secretary of state;
4. assumed name records of the county in which the building is located;
5. tax records of the municipality; and
6. utility records of the municipality.

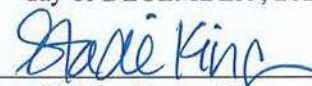
Using the above-described records, I verified that **KATHRYN CRENSHAW MILCH** is the owner of the property located at the above-described premises and their mailing address is **202 WASHINGTON BOULEVARD**, Big Spring, Howard County, Texas, as shown in **Exhibit E-1**.

SIGNED on the 7TH day of DECEMBER, 2022.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 7TH day of DECEMBER, 2022 by the above referenced Affiant.




Notary Public, State of Texas

HOWARD COUNTY APPRAISAL DISTRICT (2023)

Property ID : R000010308

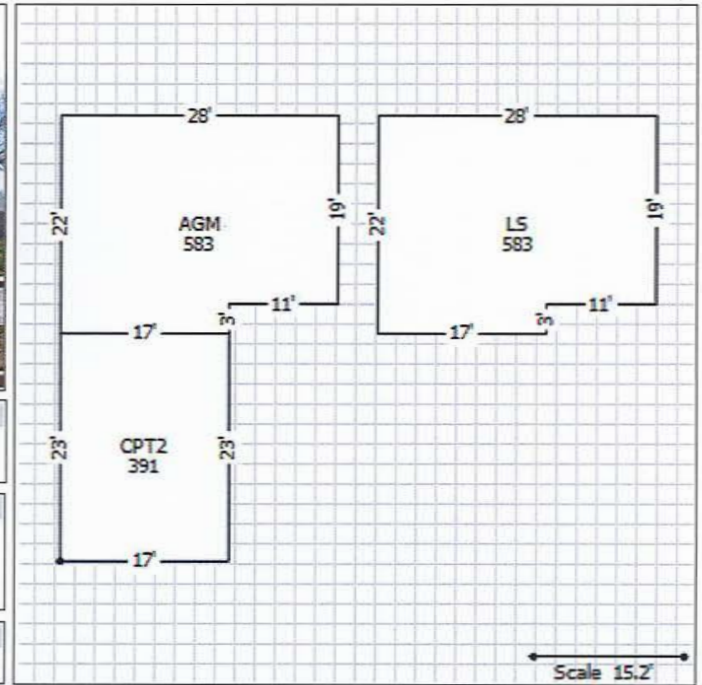
Geo ID : B5970012100

3/3

Ownership	Exemptions/Deed
MILCH KATHRYN CRENSHAW 202 WASHINGTON BLVD BIG SPRING, TX 79720	INST: 2016-00009996 VOL: 1576 PAGE: 646 DATE: 10/6/2016



Legal Information
LEGAL: LTS 4-5 BK 9 WASHINGTON PLACE IRR 2006 COMBINE ACCTS B5970012100 & 12101 275 ACQ 10062016 BLK/TRACT 9 SITUS: 202 WASHINGTON ALT:10308 XREF:10308.1
UNCERTIFIED
Appraisal Coding
Appr By CT Appr Dt 02/26/21 Check By Check Dt



Sale Dt	Type	Vol	Page	Inst	Deed Dt	Price	Value@Sale	Grantee	Grantor
10/6/16		1576	646	2016-00009996	10/6/16	+++++	+++++	MILCH KATHRYN CRENSHAW	RICH KEITH
12/12/12		1305	514	0	12/12/12	+++++	+++++	RICH KEITH	BROCKMAN AMBER
8/15/06		1019	259	0	12/12/12	+++++	+++++	BROCKMAN AMBER	ANDERSON JAMIE AKA

Agent	Mortgage	Geo Quad	Aerial	Map Id	Use
		0			

Building Code	Hs	Year/Eff Yr	Class	Sqft	Cpsf	Buildings	Features	Depreciation	%	Condition	%	Fn%	Ec%	Cpl%	Loc%	Net Adj%	Value	Feature Code	Cpsf / Value
LA-LIVING AREA	N	1950/NA	RS2M2	384	95.70	36,749	0 FA	-75%		0%	0%	0%	0%	100%	0%	-75.0%	9,187		
LS-2ND FLOOR	N	1950/NA	RS2M2	583	91.87	53,561	0 FA	-75%		0%	0%	0%	0%	100%	0%	-75.0%	13,390		
CPT2-CARPORT AVERAGE	N	1950/NA	RS2M2	391	9.79	3,828	0 FA	-75%		0%	0%	0%	0%	100%	0%	-75.0%	957		
AGM-ATTACHED GARAGE	N	1950/NA	RS2M2	583	30.62	17,854	0 FA	-75%		0%	0%	0%	0%	100%	0%	-75.0%	4,464		
				1,941		111,992											27,998		

SQFT MA: 967 MKT CSF MA: 265.049 CSF IMPR: 28.953 LOC CODE: GD

Land Code	Units / Alt Units	Cpu	Cpu Cd	Mkt Cpu	Adjustment Codes	Adj%	Adj Amt	Hs	Mkt Value	Ptd Prd	Prod Code	Prod Use	Yr Grant	Units	Cpu	Spec Value
LFF24	120.0 FF/120.0 RF/0.0 DF LOTS	100.0		100.00		0%		Y	12,000	A1						
									12,000							0

Comments

2023	Ptd	Change +/-	Prior 2022	Ptd	Entity / Description	Exemption	Txbl Value	Rate Per \$100	Frz Yr	Ext. Tax Levy	Nbh Coding	Misc Coding
Impr Homesite +	195,742	A1	0	195,742	A1	01H HOWARD COUNTY	0	256,302	.3275450	839.50	HSAPPNOT17	BSISDE
Impr Non Homesite +	48,560	A1	0	48,560	A1	02B CITY OF BIG SPRING	0	256,302	.6731630	1,725.33	HSAPPNOT18	GD22
Land Homesite +	12,000	A1	0	12,000	A1	03B BIG SPRING ISD	0	256,302	1.0160000	2,604.03	HSAPPNOT19	
Total Market =	256,302		0	256,302		052 HOWARD COLLEGE	0	256,302	.2367770	606.86	HSAPPNOT20	
Assessed =	256,302		0	256,302		** ESTIMATED TOTAL				5,775.72	NOTE20CORR	
											HSAPPNOT21	

User PERMITS2 Print Date 9/1/2022 4:00:10 PM

Property ID : R000010308

Geo ID : B5970012100

Quick Link :



STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
202 WASHINGTON BOULEVARD CASE NOTES**

“This record, attached as **Exhibit E-2**, was made at or near the time by – or from information transmitted by a person or persons with the City with knowledge.

This record was kept in the course of a regularly conducted business activity of the Code Compliance Department of the City of Big Spring, Texas.

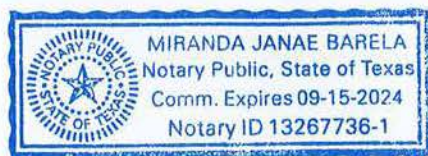
Making this record was a regular practice of that activity.

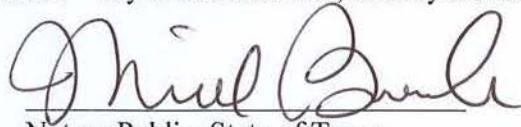
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout certain data.
7. I used the proper procedures to obtain the readout.
8. The computer was in working order at the time I obtained the readout.
9. I recognize the attached **Exhibit E-2** as the readout.”

SIGNED on the 7TH day of DECEMBER, 2022.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 7TH day of DECEMBER, 2022 by the above referenced Affiant.





Notary Public, State of Texas

09-01-2022 04:38 PM

INCIDENT NOTES REPORT

ORIG. DATE:

INCIDENT #: 71071

INCIDENT CODE: 300-0006 ACCUML ITEM

PROPERTY: 202 WASHINGTON BLVD REAR

NOTES

Incident Notes:

8/29/22 PROPERTY HAS AN ACCUMUALTION OF ITEMS INCLUDING FRUNITURE, SOFAS,
TRASH, CARDBOARD BOXES, BLOCKS AND OTHER ITEMS IN PUBLIC VIEW ON
PROPERTY.
WILL SEND NOTICE.

Task #: 112500 - INSPECT ACCUMULATED - 9/01/2022

Task #: 112501 - ACCUMULATED ITEMS - 9/01/2022

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
PHOTOGRAPHS TAKEN BY JACOB LEOS**

“With regard to the photographs in **Exhibits E-3** I am familiar with and recognize the scene depicted in the photographs. On August 29, 2022 , I inspected the property described as:

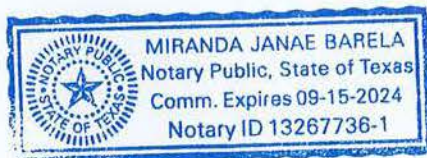
Lot **4-5**, Block **9** in the Washington Place Addition of Big Spring, Howard County, Texas, also known as **202 WASHINGTON BOULEVARD**, Big Spring, Texas

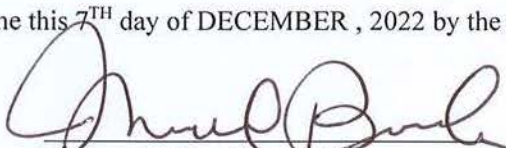
Each of the photographs is a fair and accurate depiction of the scene at the relevant time.”

SIGNED on the 7TH day of DECEMBER, 2022.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 7TH day of DECEMBER , 2022 by the above referenced Affiant.




Notary Public, State of Texas



7 of 28

8/29/2022 9:32

EXHIBIT E-3 1 OF 6



8 of 28

8/29/2022 9:33

EXHIBIT E-3, 2 OF 6

9 of 28

8/29/2022 9:34

EXHIBIT E-3 3 OF 6



POSTED
PRIVATE PROPERTY
NO TRESPASSING
NO LOADING OR UNLOADING
OF VEHICLES OR EQUIPMENT
WITHOUT PERMISSION
VIOLATORS WILL BE PROSECUTED
BY THE CITY OF CHICAGO
POLICE DEPARTMENT

ABC

8/29/2022 9:34

EXHIBIT E-3 4 OF 6



11 of 28

8/29/2022 9:32

EXHIBIT E-3 5 OF 6



12 of 28

8/29/2022 9:32

EXHIBIT E-3 6 OF 6

STATE OF TEXAS
COUNTY OF HOWARD

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**CERTIFICATION
NOTICE SENT BY JACOB LEOS**

“The document in **Exhibit E-4** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

Certified Mail Return for **Exhibit E-4**
is also attached.

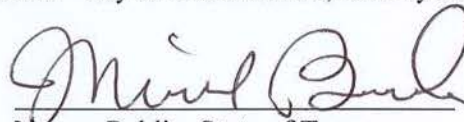
SIGNED on the 7TH day of DECEMBER, 2022.



AFFIANT

SWORN TO AND SUBSCRIBED before me this 7TH day of DECEMBER , 2022 by the above referenced Affiant.





Notary Public, State of Texas



Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

202 WASHINGTON BLVD REAR

LTS 4-5 BK 9 WASHINGTON PLACE IRR 2006 COMBINE ACCTS
B5970012100 & 12101 275 ACQ 10062016 BLK/TRACT 9

September 1, 2022

Case No: 71072

KATHRYN CRENSHAW MILCH
202 WASHINGTON BLVD
BIG SPRING TX 79720-4832

Sent via: First Class US Mail

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** and **Big Spring City Code Chapter 36** have been violated, constituting a nuisance:

VIOLATION

Description of Violation

Property Maintenance Code
Sec. 302.5 Rodent Harborage

Structures and exterior property shall be kept free from rodent harborage and infestation.

Big Spring City Code
Sec. 36-62. Dumping, accumulating, etc., garbage and trash so as to afford food or harborage for rats.

No garbage, rubbish, waste, or manure shall be placed, left, dumped, or permitted to accumulate or remain in any building or premises in the city so that the same shall or may afford food for or a harboring or breeding place for rats.

Big Spring City Code
Sec. 36.63 Accumulations of lumber, boxes, barrels, etc.

It shall be unlawful for any person to permit to accumulate on any premises, improved or unimproved, or on any open lot or alley in the city any lumber, boxes, barrels, bricks, or stones or similar materials that may be permitted to remain thereon, and that may be used as harborage by rats, unless same are placed on open racks and elevated not less than 18 inches above the ground with a clear intervening space beneath, to prevent the harborage of rats.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
PROPERTY HAS AN ACCUMUALTION OF TRASH, SOFAS, FURNITURE AND OTHER ITEMS THAT NEEDS TO BE REMOVED. THE PRESENT ACCUMULATION OF ITEMS PRESENTS THE CONDITIONS FOR RAT HARBORAGE OR INFESTATIONS.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by	Jacob Leos	Code Compliance
	<i>Name</i>	<i>Department</i>
	432-264-2502	jleos@mybigspring.com
	<i>Phone</i>	<i>E-mail</i>

The City’s goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY OWNER(S) WITH COSTS AND PENALTIES. If you fail to take the corrective action within the deadlines stated above, the City may initiate Proceedings to Abate. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City’s request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City’s costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the

property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL. Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. See Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at <https://codes.iccsafe.org/codes/i-codes>.

Sincerely,



Code Official
City of Big Spring, Texas



Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

202 WASHINGTON BLVD

LTS 4-5 BK 9 WASHINGTON PLACE IRR 2006 COMBINE ACCTS
B5970012100 & 12101 275 ACQ 10062016 BLK/TRACT 9

September 1, 2022

Case No: 71071

KATHRYN CRENSHAW MILCH
202 WASHINGTON BLVD
BIG SPRING TX 79720-4832

Sent via: First Class US Mail

The City of Big Spring has determined that the following section of the **Property Maintenance Code (PMC) of Big Spring** has been violated, constituting a nuisance:

VIOLATION

Description of Violation

Property Maintenance Code
Sec. 302.1 Sanitation

The exterior of the property and premises are not maintained in a clean, safe, and sanitary condition.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required

Deadline for Compliance

There are several items (including sofas, furniture, trash, cardboard, blocks, full trash bags and many other items) on the property that needs to be removed and taken out of public view. If problem persists, criminal charges will be filed.

Seven (7) days from
date of mailing

For further information about this notice, please contact the following person:

Issued by

Jacob Leos	Code Compliance
<i>Name</i>	<i>Department</i>
432-264-2502	jleos@mybigspring.com
<i>Phone</i>	<i>E-mail</i>

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY OWNER(S) WITH COSTS AND PENALTIES. If you fail to take the corrective action within the deadlines stated above, the City may initiate Proceedings to Abate. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. See Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at <https://codes.iccsafe.org/codes/i-codes>.

Sincerely,

A handwritten signature in dark ink, appearing to be a stylized name, possibly "J. [unclear]".

Code Compliance
City of Big Spring, Texas



NOTICE OF VIOLATION, ORDER TO ABATE AND NOTICE OF HEARING

202 WASHINGTON, BIG SPRING, TEXAS 79720
Lot: 4-5 BK 9: WASHINGTON PLACE ADDITION

November 21, 2022

KATHRYN CRENSHAW MILCH
202 WASHINGTON BLVD
BIG SPRING, TX 79720-4832

Sent via: First Class US Mail and Certified Mail

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** and the **Big Spring Zoning Ordinance** have been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code	
Sec. 302.1 Sanitation.	The exterior of the property and premises are not maintained in a clean, safe, and sanitary condition.
Sec. 302.4 Weeds	The premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches.
Sec. 302.5 Rodent harborage.	The exterior of the property is not being kept free from rodent harborages.
Sec. 308.1. Accumulation of rubbish or garbage.	Exterior property and premises...shall be free from any accumulation of rubbish or garbage.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required

**Deadline for
Compliance**

The premises is littered with tires, trash, furniture, rubbish, weeds higher than 12 inches, and other accumulation and unsanitary matter that is required to be removed from the property.

Seven (7) days from
date of mailing

For further information about this notice, please contact the following person:

Issued by

Jacob Leos

Name

Code Compliance

Department

432-264-2502

Phone

jleos@mybigspring.com

E-mail

The City's goal is voluntary compliance.

**FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY
RESULT IN FINE.**

Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

**YOU ARE HEREBY NOTIFIED THAT THE CITY HAS INITIATED PROCEEDINGS
TO ABATE THE ABOVE-DESCRIBED NUISANCES AT YOUR EXPENSE.**

This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

The City Council will serve as the Hearing Board for your case. The hearing is scheduled for **December 13, 2022 at 5:30 p.m.** at the City Council Chambers located at **307 E 4th St., Big Spring, Texas 79720**. You are encouraged to attend this hearing to demonstrate the scope of work that may be required to comply with the Building Codes and the time it will take to reasonably perform the work.

CONDUCT OF THE HEARING. The Structural Standards Ordinance of the Big Spring City Code provides the following concerning the conduct of the hearing:

SECTION 9.02. - Rules; oral evidence; admissibility of evidence; exclusion of evidence; rights of parties.

- (a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.
- (b) Oral Evidence. Oral evidence shall be taken only on oath or affirmation.
- (c) Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this State.
- (d) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.
- (e) Rights of Parties. Each party shall have the following rights, among others:
 - 1. To call and examine witnesses on any matter relevant to the issues of the hearing;
 - 2. To introduce documentary and physical evidence;
 - 3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
 - 4. To impeach any witness regardless of which party first called him to testify;
 - 5. To rebut the evidence against him;
 - 6. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.
- (f) The City Attorney shall present the case for the City. If the City Attorney is recused or disqualified, the City Manager shall determine who shall present the case for the City.

YOU HAVE A RIGHT TO APPEAL THE DECISION OF THE HEARING BOARD. If the Code Official's order is upheld by the Hearing Board, you may appeal its ruling to the District Court within thirty (30) days pursuant to Section 8.03 of the Structural Standards Ordinance of the Big Spring City Code. If you fail to appeal the Hearing Board's ruling within that time, such order shall be final.

FAILURE TO COMPLY/ATTACHMENT OF LIEN. If the owner of a premises fails to comply with an order of the Board within the time prescribed, and the City conducts abatement or work, either through an available public agency or by contract or arrangement with private persons, and the cost of such abatement work shall be charged against the real estate upon which the nuisance is located and shall be a lien on such real estate.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date

you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. See Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at <https://codes.iccsafe.org/codes/i-codes>.

Sincerely,



Jacob Leos
Code Official
City of Big Spring, Texas

Tracking Number:

Remove X

9489009000276209461310

[Copy](#)

[Schedule a Redelivery](#)

(<https://tools.usps.com/redelivery.htm>)

Latest Update

This is a reminder to arrange for redelivery of your item before December 7, 2022 or your item will be returned on December 8, 2022. You may arrange redelivery by using the Schedule a Redelivery feature on this page or may pick up the item at the Post Office indicated on the notice.

Feedback

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivery Attempt: Action Needed

Reminder to Schedule Redelivery of your item before December 7, 2022

November 28, 2022

Notice Left (No Authorized Recipient Available)

BIG SPRING, TX 79720

November 23, 2022, 2:44 pm

Departed USPS Regional Facility

MIDLAND TX DISTRIBUTION CENTER

November 22, 2022, 9:32 pm

Arrived at USPS Regional Facility

MIDLAND TX DISTRIBUTION CENTER

November 22, 2022, 6:37 pm

Accepted at USPS Origin Facility

BIG SPRING, TX 79720

November 22, 2022, 5:22 pm

Pre-Shipment Info Sent to USPS, USPS Awaiting Item

November 22, 2022

Hide Tracking History

Text & Email Updates



Schedule Redelivery



Return Receipt Electronic



USPS Tracking Plus®



Product Information



See Less

Feedback

Track Another Package

Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

FAQs

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
OF POSTING OF PUBLIC HEARING**

“The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for **DECEMBER 13, 2022**, attached as **Exhibit E-5**, was posted on or near the front door of each dwelling unit listed in the attached notice on December 3, 2022.

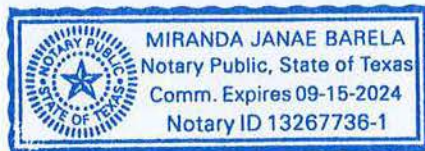
This notice was also published in the Big Spring Herald on DECEMBER 4, 2022.”

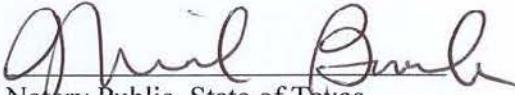
SIGNED on the 7TH day of DECEMBER, 2022.



AFFIANT

SWORN TO AND SUBSCRIBED before me this 7TH day of DECEMBER , 2022 by the above referenced Affiant.





Notary Public, State of Texas



12/ 3/2022 11:50

EXHIBIT E-5 1 OF 2



Code Enforcement

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF PUBLIC HEARING CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD WILL HOLD A PUBLIC HEARING ON **DECEMBER 13, 2022 AT 5:30 P.M.**, IN THE CITY OF BIG SPRING COUNCIL CHAMBERS AT 307 E 4TH ST., BIG SPRING, TEXAS 79720 TO CONSIDER ABATEMENT OF PUBLIC NUISANCES ON PROPERTIES IN THE CITY OF BIG SPRING, TEXAS. ALL INTERESTED PERSONS MAY SPEAK, THEN A DETERMINATION WILL BE MADE AND REMEDIAL ACTION ORDERED ON THE FOLLOWING PROPERTIES:

1801 JOHNSON, BIG SPRING, TEXAS 79720 – N/2 OF LT 11 ALL LT 12, BK 2, COLLEGE HEIGHTS ADDITION – OWNER: NORA GALVAN, 1801 JOHNSON, BIG SPRING, TEXAS 79720

1524 E 17TH STREET, BIG SPRING, TEXAS 79720 – SC 5, BK 32 1S, BROWN ADDITION – OWNER: SHERRI KELLEY, 1524 E 17TH STREET, BIG SPRING, TEXAS 79720

706 OHIO, BIG SPRING, TEXAS 79720 - LT 6, BK 4, PORTER ADDITION – OWNER: DOROTHY THOMAS, 706 OHIO, BIG SPRING, TEXAS.

1400 MESA, BIG SPRING, TEXAS 79720 – LT 6, BK 5, MOUNTAIN VIEW ADDITION – OWNER: INES JESUS GONZALES AND KRISTINA GONZALES, 1400 MESA, BIG SPRING, TEXAS 79720

1507 WEST 2ND STREET, BIG SPRING, TEXAS 79720 – LT 7, BK 21, JONES VALLEY ADDITION – OWNER: LATRICIA FLORES, 1507 WEST 2ND STREET, BIG SPRING, TEXAS 79720

101 AIRBASE ROAD, BIG SPRING, TEXAS 79720 – W/40 S/100 OF LT 2 & PART LT 4, BK 3, SETTLES HEIGHTS ADDITION – OWNER: JAMES TUBBS, 101 AIRBASE ROAD, BIG SPRING, TEXAS 79720

202 WASHINGTON BLVD, BIG SPRING, TEXAS 79720 – LTS 4-5, BK 9, WASHINGTON PLACE ADDITION – OWNER: KATHRYN CRENSHAW MILCH, 202 WASHINGTON, BIG SPRING, TEXAS 79720

407 AUSTIN, BIG SPRING, TEXAS 79720 – LT 7, BK 58, ORIGINAL TOWN(BK3 PORTER) – OWNER: JUAN H PARRAS, 407 AUSTIN, BIG SPRING, TEXAS 79720

703 JOHNSON, BIG SPRING, TEXAS 79720 – LTS 11, BK 61, ORIGINAL TOWN 1027 – OWNER: ALAN AND HEATHER PORN, 703 JOHNSON, BIG SPRING, TEXAS 79720

THE CITY OF BIG SPRING HEARING BOARD MEETING IS AVAILABLE TO ALL PERSONS REGARDLESS OF DISABILITY. IF YOU REQUIRE SPECIAL ASSISTANCE, PLEASE CONTACT TAMI DAVIS AT 432-264-2513 OR AT 310 NOLAN, BIG SPRING, TEXAS 79720, AT LEAST FORTY-EIGHT (48) HOURS IN ADVANCE OF THE MEETING.

STATE OF TEXAS

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COUNTY OF HOWARD

**AFFIDAVIT OF KALEB SMITH
CONCERNING 407 AUSTIN**

BEFORE ME, the undersigned authority, on this day, personally appeared **KALEB SMITH**, who, being by me duly sworn, deposed as follows:

“My name is **KALEB SMITH**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

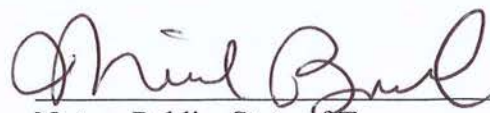
“I am a code compliance official for the City of Big Spring, Texas. In the course of my duties, I inspect properties for compliance with Texas state law and the ordinances of the City of Big Spring. I am an employee of the City of Big Spring and am familiar with the manner in which its records are created and maintained by virtue of my duties and responsibilities. Attached are pages of records relating to the Code Compliance Case for **407 AUSTIN**, Big Spring, Texas. These are exact duplicates of original records. The records were made at or near the time of each act, event, or finding set forth. The records were made by, or from information transmitted by, persons with knowledge of the matters set forth. The records were kept in the course of regularly conducted business activity. It is the regular practice of the business activity to make the records.”

SIGNED on the 7TH day of DECEMBER, 2022.



AFFIANT

SWORN TO AND SUBSCRIBED before me this 7TH day of DECEMBER, 2022 by the above referenced Affiant.


Notary Public, State of Texas

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
CONCERNING THE IDENTITY AND ADDRESS OF
OWNER, LIENHOLDER, OR MORTGAGEE**

“I made a reasonable effort to determine the identity and address of an owner, lienholder,
or mortgagee of the property described as:

Lot 7, Block **58** in the Original Town (BK3 Porter) Addition of Big Spring,
Howard County, Texas, also known as **407 AUSTIN**, Big Spring, Texas

by searching the following records:

1. county real property records of the county in which the building is located;
2. appraisal district records of the appraisal district in which the building is located;
3. records of the secretary of state;
4. assumed name records of the county in which the building is located;
5. tax records of the municipality; and
6. utility records of the municipality.

Using the above-described records, I verified that **JUAN H. PARRAS** is the owner of the
property located at the above-described premises and his mailing address is **407 AUSTIN**, Big
Spring, Howard County, Texas, as shown in **Exhibit F-1**.

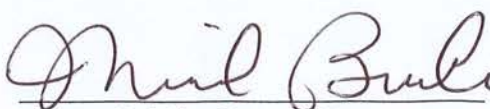
SIGNED on the 7TH day of DECEMBER, 2022.



AFFIANT

SWORN TO AND SUBSCRIBED before me this 7TH day of DECEMBER, 2022 by the above
referenced Affiant.





Notary Public, State of Texas

HOWARD COUNTY APPRAISAL DISTRICT (2023)

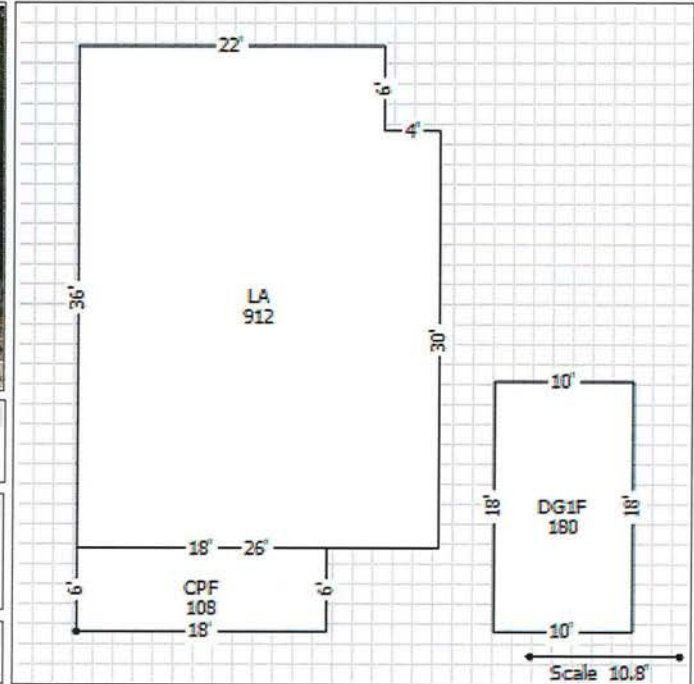
Property ID : R000009040

Geo ID : B5070003000

1/1

Ownership	Exemptions/Deed
PARRAS JUAN H 4622 RUSK HOUSTON, TX 77023	

Legal Information
LEGAL: LT 7 (& S/50' M/100' BK 58 ORIGINAL TOWN) BK 3 PORTER 50X140 417 0.161 ACRES ACQ 11022015 SITUS: 407 AUSTIN ACRES:0.161 ALT:9040 XREF:9040.1
UNCERTIFIED
Appraisal Coding Appr By JD Appr Dt 03/01/21 Check By Check Dt



Sale Dt	Type	Vol	Page	Inst	Deed Dt	Price	Value@Sale	Grantee	Grantor
11/2/15		1494	230	2015-00008634	11/2/15	+++++	+++++	PARRAS JUAN H	PARRAS RAUL H

Agent	Mortgage	Geo Quad	Aerial	Map Id	Use
		0			

Building Code	Hs	Year/Eff Yr	Class	Sqft	Cpsf	Buildings	Features	Depreciation	%	Condition	%	Fn%	Ec%	Cpl%	Loc%	Net Adj%	Value	Feature Code	Cpsf / Value
LA-LIVING AREA	Y	1935/NA	RS3F	912	105.37	96,097	0 VP	-95%		0%	-50%	0%	100%	0%	0%	-97.5%	2,402	AST-1 STORY	0
CPF-COVERED PORCH FR	Y	1935/NA	RS3F	108	15.81	1,707	0 VP	-95%		0%	-50%	0%	100%	0%	0%	-97.5%	42	AUT-ALL	0
DG1F-DETACHED GARAGE	Y	1935/NA	RS3F	180	37.96	6,833	0 VP	-95%		0%	-50%	0%	100%	0%	0%	-97.5%	171	EHC-WALL	0
				=====		=====	=====										=====	FET-FRAME	0
				1,200		104,637	0										2,615	GRT-GABLE	0
SQFT MA: 912 MKT CSF MA: 6.705 CSF IMPR: 2.867 LOC CODE: MC																		IRM-METAL ROOF	0
																		PFN-PIER AND BE	0
																		1BT-1 BATH	0
																		=====	0

SQFT MA: 912 MKT CSF MA: 6.705 CSF IMPR: 2.867 LOC CODE: MC

Land Code	Units / Alt Units	Cpu	Cpu Cd	Mkt Cpu	Adjustment Codes	Adj%	Adj Amt	Hs	Mkt Value	Ptd Prd	Prod Code	Prod Use	Yr Grant	Units	Cpu	Spec Value
LFF18	50.0 FF/50.0 RF/140.0 DF LOTS	70.0		70.00		0%		Y	3,500	A1						
									=====							=====
									3,500							0

Comments

2023	Ptd	Change +/-	Prior	2022	Ptd	Entity / Description	Exemption	Txbl Value	Rate Per \$100	Frz Yr	Ext. Tax Levy	Nbh Coding	Misc Coding
Impr Homesite +	2,615	A1	2	2,613	A1	01H HOWARD COUNTY	0	6,115	.3275450		20.03	2519A	MC22
Land Homesite +	3,500	A1	0	3,500	A1	02B CITY OF BIG SPRING	0	6,115	.6731630		41.16	GB19	
Total Market =	6,115		2	6,113		03B BIG SPRING ISD	0	6,115	1.0160000		62.13		
Assessed =	6,115		2	6,113		052 HOWARD COLLEGE	0	6,115	.2367770		14.48		
						** ESTIMATED TOTAL					=====		
											137.80		

User PERMITS2 Print Date 12/6/2022 4:34:11 PM

Property ID : R000009040

Geo ID : B5070003000

Quick Link :



STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
407 AUSTIN CASE NOTES**

“This record, attached as **Exhibit F-2**, was made at or near the time by – or from information transmitted by a person or persons with the City with knowledge.

This record was kept in the course of a regularly conducted business activity of the Code Compliance Department of the City of Big Spring, Texas.

Making this record was a regular practice of that activity.

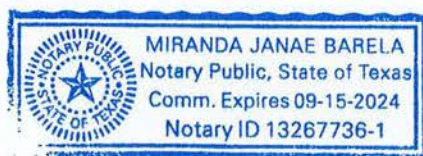
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout certain data.
7. I used the proper procedures to obtain the readout.
8. The computer was in working order at the time I obtained the readout.
9. I recognize the attached **Exhibit F-2** as the readout.”

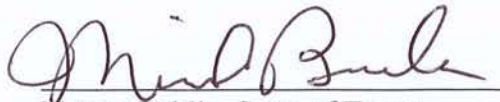
SIGNED on the 7TH day of DECEMBER, 2022.



AFFIANT

SWORN TO AND SUBSCRIBED before me this 7TH day of DECEMBER , 2022 by the above referenced Affiant.





Notary Public, State of Texas

STATE OF TEXAS

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TASK #: 113104

ORIG. DATE: 1

TASK CODE: INSPECT SUBSTANDARD

DUE DATE:

PROPERTY: 407 AUSTIN ST

NOTES

Incident Notes:

Task #: 113104 - INSPECT SUBSTANDARD - 11/08/2022

11/28/2022 Juan Parras called and asked for more time because he needs to travel from Houston to take care of the house himself. He asked if he could have until the end of the year and I agreed. I told him if it wasn't done by then that I would have to push the case onto a public hearing for abetement. (281)513-7799

12/5/2022 I found out today that this address was pushed onto the upcoming public hearing for 12/13/22. This was done without my knowledge and consent. Because I didn't know that somebody was putting my case on the hearing, I already told Juan Parras that he would not be going on this hearing and that he would have until the end of the year to clean up his property. It is my recommendation that this case be pushed onto the public hearing scheduled for 1/10/23 if the property has not been brought into compliance by 12/31/2022.

Task #: 113105 - SUBSTANDARD BLD - 11/08/2022

COUNTY OF HOWARD

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**CERTIFICATION
PHOTOGRAPHS TAKEN BY KALEB SMITH**

“With regard to the photographs in **Exhibits F-3** I am familiar with and recognize the scene depicted in the photographs. On October 26, 2022 , I inspected the property described as:

Lot 7, Block **58** in the Original Town (BK3 Porter) Addition of Big Spring,
Howard County, Texas, also known as **407 AUSTIN**, Big Spring, Texas

Each of the photographs is a fair and accurate depiction of the scene at the relevant time.”

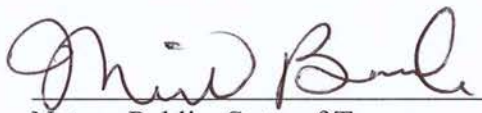
SIGNED on the 7TH day of DECEMBER, 2022.



AFFIANT

SWORN TO AND SUBSCRIBED before me this 7TH day of DECEMBER , 2022 by the above referenced Affiant.





Notary Public, State of Texas





HP -
WOC
H4 .1
SPF 45
4 2

10/26/2022 15:03



10/26/2022 15:03



10/26/2022 14:59



10/26/2022 14:59

HP -
WCC
H4
SP-45
F-2

10/26/2022 15:03





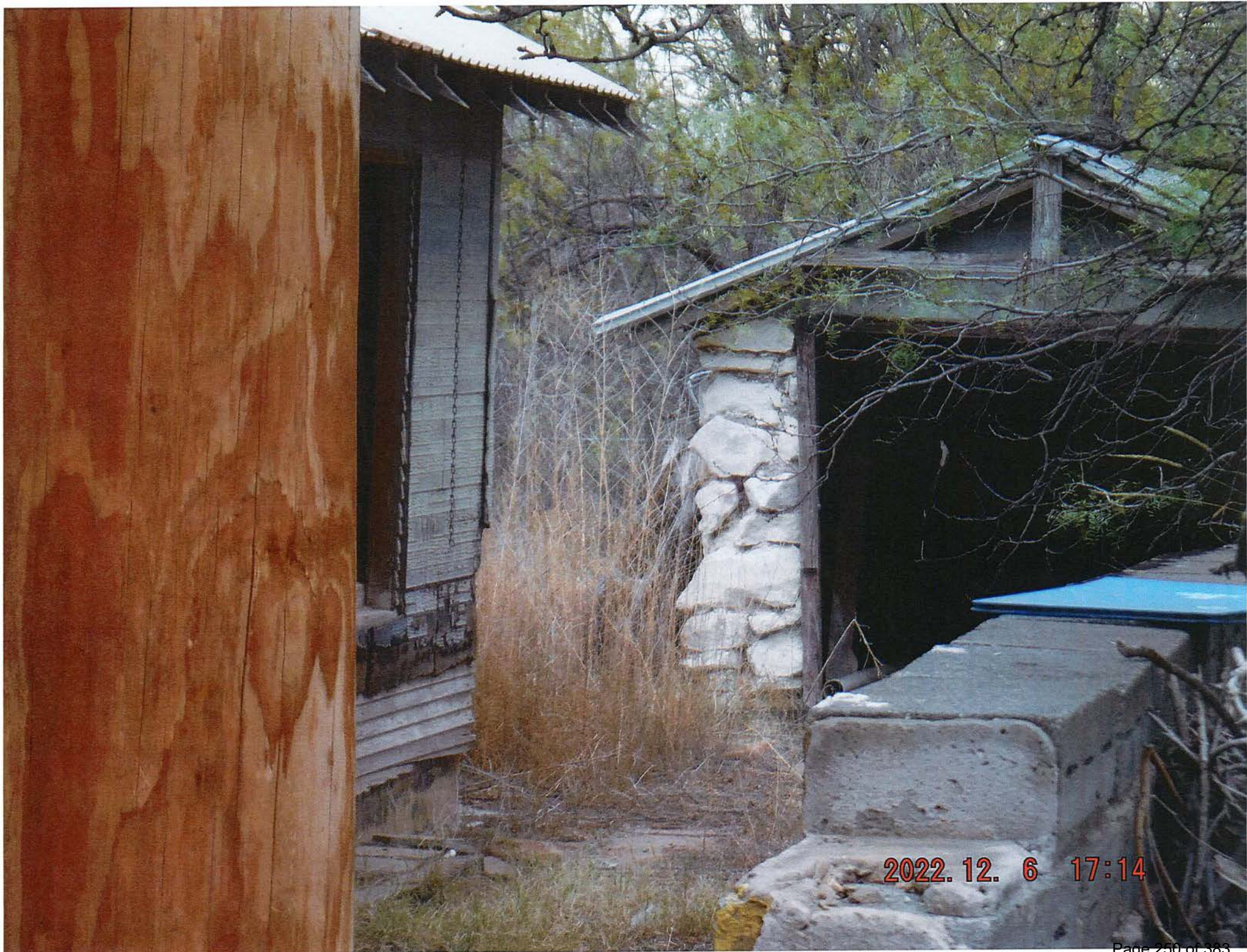
2022.12. 6 17:12











STATE OF TEXAS

COUNTY OF HOWARD

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**CERTIFICATION
NOTICE SENT BY KALEB SMITH**

“The document in **Exhibit F-5** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

Certified Mail Return for **Exhibit F-5** is also attached.

SIGNED on the 7 day of December, 2022.



AFFIANT

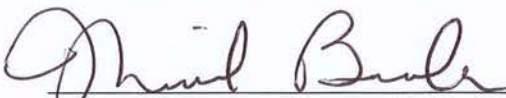
SIGNED on the 7TH day of DECEMBER, 2022.



AFFIANT

SWORN TO AND SUBSCRIBED before me this 7TH day of DECEMBER , 2022 by the above referenced Affiant.





Notary Public, State of Texas



Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

407 AUSTIN ST

Lot: 7 (& S/50' M/100' BK 58 ORIGINAL TOWN) BK: 3 PORTER 417

November 8, 2022

Case No: 71391

JUAN H PARRAS
4622 RUSK ST
HOUSTON TX 77023

Sent via: First Class US Mail

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** and **Big Spring City Code Chapter 36** have been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code Sec. 302.5 Rodent Harborage	Structures and exterior property shall be kept free from rodent harborage and infestation.
Big Spring City Code Sec. 36-62. Dumping, accumulating, etc., garbage and trash so as to afford food or harborage for rats.	No garbage, rubbish, waste, or manure shall be placed, left, dumped, or permitted to accumulate or remain in any building or premises in the city so that the same shall or may afford food for or a harboring or breeding place for rats.
Big Spring City Code Sec. 36.63 Accumulations of lumber, boxes, barrels, etc.	It shall be unlawful for any person to permit to accumulate on any premises, improved or unimproved, or on any open lot or alley in the city any lumber, boxes, barrels, bricks, or stones or similar materials that may be permitted to remain thereon, and that may be used as harborage by rats, unless same are placed on open racks and elevated not less than 18 inches above the ground with a clear intervening space beneath, to prevent the harborage of rats.

the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL. Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. See Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at <https://codes.iccsafe.org/codes/i-codes>.

Sincerely,



Kaleb Smith
Code Official
City of Big Spring, Texas



Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

407 AUSTIN ST

Lot: 7 (& S/50' M/100' BK 58 ORIGINAL TOWN) BK: 3 PORTER 417

November 8, 2022

Case No: 71392

JUAN H PARRAS
4622 RUSK ST
HOUSTON TX 77023

Sent via: First Class US Mail

The City of Big Spring has determined that the following section of the **Property Maintenance Code (PMC) of Big Spring** has been violated, constituting a nuisance:

VIOLATION

Description of Violation

Property Maintenance Code
Sec. 302.1 Sanitation

The exterior of the property and premises are not maintained in a clean, safe, and sanitary condition.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required

Deadline for Compliance

There are several items (bricks, scrap wood, and tons of accumulated items) that needs to be removed from public view. If problem persists criminal charges will be filed.

Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Kaleb Smith

Name

Code Compliance

Department

432-264-2508

Phone

ksmith@mybigspring.com

E-mail

Sincerely,

A handwritten signature in black ink, appearing to read 'Kaleb Smith', with a long horizontal stroke extending to the right.

Kaleb Smith
Code Compliance Official
City of Big Spring, Texas



Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

407 AUSTIN ST

Lot: 7 (& S/50 M/100 BK 58 ORIGINAL TOWN) BK: 3 PORTER 417

November 8, 2022

Case No: 71389

JUAN H PARRAS
4622 RUSK ST
HOUSTON TX 77023

Sent via: First Class US Mail

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** have been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code Sec. 302.4 Weeds	Premises and exterior property not maintained free from weeds or plant growth in excess of 12 inches (not including shrubs, trees or cultivated flowers).

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
Property is overgrown and needs to be mowed. This is the only notice you will receive for the next 12 months. If problem persists criminal charges will be filed.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Kaleb Smith

Name

Code Compliance

Department

432-264-2508

Phone

ksmith@mybigspring.com

E-mail



Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION, ORDER TO ABATE AND NOTICE OF HEARING

407 AUSTIN, BIG SPRING, TEXAS 79720
Lot: 7 BK 58 ORIGINAL TOWN (BK3 PORTER)

November 21, 2022

JUAN H. PARRAS
4622 RUSK
HOUSTON, TX 77023

Sent via: First Class US Mail and Certified Mail

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** and the **Big Spring Zoning Ordinance** have been violated, constituting a nuisance:

VIOLATION	Description of Violation
Sec. 111.1.5 Hazardous structure or premises	Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.
Sec. 302.1 Sanitation.	The exterior of the property and premises are not maintained in a clean, safe, and sanitary condition.
Sec. 302.4 Weeds	The premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches.
Sec. 302.5 Rodent harborage.	The exterior of the property is not being kept free from rodent harborages.
Sec. 308.1. Accumulation of rubbish or garbage.	Exterior property and premises...shall be free from any accumulation of rubbish or garbage.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
The structure is substandard. The premises is littered with structural debris, remnants from fire, tires, trash, furniture, rubbish, weeds higher than 12 inches, and other accumulation and unsanitary matter that is required to be removed from the property.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Kaleb Smith

Name

Code Compliance

Department

432-264-2508

Phone

ksmith@mybigspring.com

E-mail

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY

RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in one or more complaints (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging each violation. A person found guilty may be convicted by the Court and fined. The maximum fine is \$2,000.00 per offense not including court costs. Each day that each and every violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

YOU ARE HEREBY NOTIFIED THAT THE CITY HAS INITIATED PROCEEDINGS

TO ABATE THE ABOVE-DESCRIBED NUISANCES AT YOUR EXPENSE. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

The City Council will serve as the Hearing Board for your case. The hearing is scheduled for **December 13, 2022 at 5:30 p.m.** at the City Council Chambers located at **307 E 4th St., Big Spring, Texas 79720**. You are encouraged to attend this hearing to demonstrate the scope of work that may be required to comply with the Building Codes and the time it will take to reasonably perform the work.

CONDUCT OF THE HEARING. The Structural Standards Ordinance of the Big Spring City Code provides the following concerning the conduct of the hearing:

SECTION 9.02. - Rules; oral evidence; admissibility of evidence; exclusion of evidence; rights of parties.

- (a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.
- (b) Oral Evidence. Oral evidence shall be taken only on oath or affirmation.
- (c) Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this State.
- (d) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.
- (e) Rights of Parties. Each party shall have the following rights, among others:
 - 1. To call and examine witnesses on any matter relevant to the issues of the hearing;
 - 2. To introduce documentary and physical evidence;
 - 3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
 - 4. To impeach any witness regardless of which party first called him to testify;
 - 5. To rebut the evidence against him;
 - 6. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.
- (f) The City Attorney shall present the case for the City. If the City Attorney is recused or disqualified, the City Manager shall determine who shall present the case for the City.

YOU HAVE A RIGHT TO APPEAL THE DECISION OF THE HEARING BOARD. If the Code Official's order is upheld by the Hearing Board, you may appeal its ruling to the District Court within thirty (30) days pursuant to Section 8.03 of the Structural Standards Ordinance of the Big Spring City Code. If you fail to appeal the Hearing Board's ruling within that time, such order shall be final.

FAILURE TO COMPLY/ATTACHMENT OF LIEN. If the owner of a premises fails to comply with an order of the Board within the time prescribed, and the City conducts abatement or work, either through an available public agency or by contract or arrangement with private persons, and the cost of such abatement work shall be charged against the real estate upon which the nuisance is located and shall be a lien on such real estate.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address

of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. See Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at <https://codes.iccsafe.org/codes/i-codes>.

Sincerely,

A handwritten signature in blue ink that reads "M. Garcia".

Malissa Garcia on behalf of Kaleb Smith
Code Official
City of Big Spring, Texas

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. See Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at <https://codes.iccsafe.org/codes/i-codes>.

Sincerely,



Kaleb Smith
Code Compliance Official
City of Big Spring, Texas

STATE OF TEXAS

§

COUNTY OF HOWARD

§

§

**CERTIFICATION
OF POSTING OF PUBLIC HEARING**

“The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for **DECEMBER 13, 2022**, attached as **Exhibit F-6**, was posted on or near the front door of each dwelling unit listed in the attached notice on **DECEMBER 3, 2022**.

This notice was also published in the Big Spring Herald on **DECEMBER 4, 2022**.”

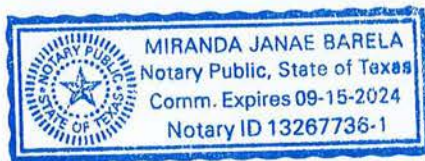
SIGNED on the 7 day of December, 2022.

AFFIANT

SIGNED on the 7TH day of **DECEMBER, 2022**.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 7TH day of **DECEMBER, 2022** by the above referenced Affiant.



Miranda Barela
Notary Public, State of Texas



City of Big Spring
3075 Highway 170, Big Spring, Texas 79424-1700
Phone: 409.334.2000

NOTICE TO RESIDENTS OF BIG SPRING
CONSTRUCTION PROJECT - FLOOD WALL

THE CITY OF BIG SPRING IS CURRENTLY CONDUCTING A MAJOR PROJECT TO REPAIR AND IMPROVE THE FLOOD WALLS ALONG THE COASTAL HIGHWAY CORRIDOR. THIS PROJECT IS NECESSARY TO PROTECT THE CITY AND ITS RESIDENTS FROM FLOODING DURING SEVERE WEATHER EVENTS. THE PROJECT WILL INVOLVE THE CONSTRUCTION OF NEW FLOOD WALLS AND THE REPAIR OF EXISTING WALLS. THE PROJECT IS SCHEDULED TO BEGIN IN EARLY 2023 AND IS EXPECTED TO LAST FOR SEVERAL MONTHS. DURING THIS TIME, THERE MAY BE SOME DISRUPTIONS TO TRAFFIC AND LOCAL BUSINESS. THE CITY IS COMMITTED TO MINIMIZING THESE DISRUPTIONS AND IS PROVIDING THIS NOTICE TO RESIDENTS IN ADVANCE. IF YOU HAVE ANY QUESTIONS OR CONCERNS, PLEASE CONTACT THE CITY OF BIG SPRING AT 409.334.2000.

CONSTRUCTION SCHEDULE:
The project is scheduled to begin in early 2023 and is expected to last for several months. The construction will be done in phases, with different sections of the flood wall being repaired or replaced at different times. The city will provide advance notice of any construction activities that may affect traffic or local business.

CONTACT INFORMATION:
If you have any questions or concerns, please contact the City of Big Spring at 409.334.2000. You can also visit the city's website at www.bigspringtx.gov for more information.

12/ 3/2022 12:01



Code Enforcement

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF PUBLIC HEARING CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD WILL HOLD A PUBLIC HEARING ON **DECEMBER 13, 2022 AT 5:30 P.M.**, IN THE CITY OF BIG SPRING COUNCIL CHAMBERS AT 307 E 4TH ST., BIG SPRING, TEXAS 79720 TO CONSIDER ABATEMENT OF PUBLIC NUISANCES ON PROPERTIES IN THE CITY OF BIG SPRING, TEXAS. ALL INTERESTED PERSONS MAY SPEAK, THEN A DETERMINATION WILL BE MADE AND REMEDIAL ACTION ORDERED ON THE FOLLOWING PROPERTIES:

1801 JOHNSON, BIG SPRING, TEXAS 79720 – N/2 OF LT 11 ALL LT 12, BK 2, COLLEGE HEIGHTS ADDITION – OWNER: NORA GALVAN, 1801 JOHNSON, BIG SPRING, TEXAS 79720

1524 E 17TH STREET, BIG SPRING, TEXAS 79720 – SC 5, BK 32 1S, BROWN ADDITION – OWNER: SHERRI KELLEY, 1524 E 17TH STREET, BIG SPRING, TEXAS 79720

706 OHIO, BIG SPRING, TEXAS 79720 - LT 6, BK 4, PORTER ADDITION – OWNER: DOROTHY THOMAS, 706 OHIO, BIG SPRING, TEXAS.

1400 MESA, BIG SPRING, TEXAS 79720 – LT 6, BK 5, MOUNTAIN VIEW ADDITION – OWNER: INES JESUS GONZALES AND KRISTINA GONZALES, 1400 MESA, BIG SPRING, TEXAS 79720

1507 WEST 2ND STREET, BIG SPRING, TEXAS 79720 – LT 7, BK 21, JONES VALLEY ADDITION – OWNER: LATRICIA FLORES, 1507 WEST 2ND STREET, BIG SPRING, TEXAS 79720

101 AIRBASE ROAD, BIG SPRING, TEXAS 79720 – W/40 S/100 OF LT 2 & PART LT 4, BK 3, SETTLES HEIGHTS ADDITION – OWNER: JAMES TUBBS, 101 AIRBASE ROAD, BIG SPRING, TEXAS 79720

202 WASHINGTON BLVD, BIG SPRING, TEXAS 79720 – LTS 4-5, BK 9, WASHINGTON PLACE ADDITION – OWNER: KATHRYN CRENSHAW MILCH, 202 WASHINGTON, BIG SPRING, TEXAS 79720

407 AUSTIN, BIG SPRING, TEXAS 79720 – LT 7, BK 58, ORIGINAL TOWN(BK3 PORTER) – OWNER: JUAN H PARRAS, 407 AUSTIN, BIG SPRING, TEXAS 79720

703 JOHNSON, BIG SPRING, TEXAS 79720 – LTS 11, BK 61, ORIGINAL TOWN 1027 – OWNER: ALAN AND HEATHER PORN, 703 JOHNSON, BIG SPRING, TEXAS 79720

THE CITY OF BIG SPRING HEARING BOARD MEETING IS AVAILABLE TO ALL PERSONS REGARDLESS OF DISABILITY. IF YOU REQUIRE SPECIAL ASSISTANCE, PLEASE CONTACT TAMI DAVIS AT 432-264-2513 OR AT 310 NOLAN, BIG SPRING, TEXAS 79720, AT LEAST FORTY-EIGHT (48) HOURS IN ADVANCE OF THE MEETING.

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 PM, November 8, 2022, with the following members present in person:

MAYOR ROBERT MOORE
COUNCIL MEMBER TROY TOMPKINS
COUNCIL MEMBER GLORIA McDONALD
MAYOR PRO TEM NICK ORNELAS
COUNCIL MEMBER MAURY SMITH
COUNCIL MEMBER DIANE YANEZ

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

TODD DARDEN	City Manager
JOHN MEDINA	Assistant City Manager
ANDREW HAGEN	City Attorney
SHANE BOWLES	Public Works Director
CHAD WILLIAMS	Police Chief
CRAIG FERGUSON	Fire Chief
MIKE FEELEY	Airpark Director
GARY GIVENS	Assistant Finance Director
HAYLEY LEWIS	Community Services Director
TAMI DAVIS	City Secretary
MANDY HAYNES	Presiding Municipal Judge

Open Session

Call to Order

Mayor Moore called the City Council meeting to order at 5:30 p.m.

Invocation

Ricky Cartensen gave the invocation.

Pledge of Allegiance to the United States Flag and to the Texas State Flag

Mayor Moore led the Pledge of Allegiance to the United States Flag and to the Texas State Flag.

Public Comment

Public Comment

Devvy Kidd spoke regarding the tethering of animals and asked the Council to reconsider the ordinance.

Scott Emerson spoke regarding the work on the Animal Shelter and has some donations that he would like to present to the Council to help cover the adoption fees.

Announcements, Presentations and Public Hearings

Public Hearing - Regarding a Zone Change (Z22-03) Request from Single Family Dwelling District (SF-2) to Planned Development for Housing (PD) Located at the Intersection of Fordham Ave and Marquette Ave. on a 4.58 Acre Tract out of Section 45, Block 32, T-1-N T&P, RR Co Survey, Property ID 90379

MOTION WAS MADE BY Council Member Smith to open the above captioned public hearing, seconded by Mayor Pro Tem Ornelas. No comments were made at this time.

**YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 6
Council Member McDonald, Council Member Tompkins, Council Member Smith 0**

NAYS: None

MOTION PASSED

Public Hearing - Concerning Amendment of Big Spring Zoning Ordinance to Allow Pole Signs of up to 65' on Properties Adjoining I-20 and on Properties Adjoining FM 700 from I-20 to the East Side of Intersection of Goliad Street in Big Spring, Howard County, Texas

MOTION WAS MADE BY Council Member Smith to open the above captioned public hearing, seconded by Council Member McDonald. No comments were made at this time.

**YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 6
Council Member McDonald, Council Member Tompkins, Council Member Smith 0**

NAYS: None

MOTION

Public Hearing - Concerning Amendments to the Big Spring City Zoning Ordinance to Permit Transitional Housing in the City of Big Spring under Certain Conditions

MOTION WAS MADE BY Council Member McDonald to open the above captioned public hearing, seconded by Council Member Yanez. No comments were made at this time.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 6
Council Member McDonald, Council Member Tompkins, Council Member 0
Smith
NAYS: None

MOTION

MOTION WAS MADE BY Council Member Yanez to close all three above captioned public hearings, seconded by Council Member Smith.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 6
Council Member McDonald, Council Member Tompkins, Council Member 0
Smith
NAYS: None

MOTION

City Manager's Report

City Manager's report on the following items:

- Large Item Pickup, District 5 - Nov. 16, 2022
- City Holidays - Veterans Day, Nov. 11th & Thanksgiving Days, Nov. 24th & 25th
- Blowout at the Bunker - Saturday, Nov. 12th
- Howard County Summit - February 28, 2022

Todd Darden, City Manager, updated the council on the above captioned items as follows:

Large Item Pickup for District 5 will be on November 16, 2022; City offices will be closed on November 11th for Veterans Day and on November 24th & 25th for Thanksgiving; The Blowout at the Bunker was a great success and helped raised money to support our local veterans and also to honor a member of the committee John Weeks; also the Howard County Summit has been set for February 28, 2023 and Mr. Darden thanked Mr. Willis for his work on getting that set up.

Consent Items

Approval of the City Council Minutes of the Regular Meeting of October 25, 2022.

Final Reading of an Ordinance of the City Council of the City of Big Spring, Texas Amending Chapter 2 of the Big Spring City Code Entitled "Administration," Article VII "Boards and Commissions," Division 4 "Parks and Recreation Board" Section 2-295 by Amending Subsection (d) and Adding a New Subsection (e); and Amending Division 10 "Convention and Visitors Bureau Board," Section 2-315 by Adding a New

Subsection (c) in Order to Inactivate the Said Boards and Release the Members of Each Board for Potential Consideration for Service on Other Boards; Providing for Severability; and Providing an Effective Date

Final Reading of an Ordinance Establishing Compensation and Benefits for the Presiding Judge and Associate Judges of the Municipal Court of Big Spring, Texas

Acknowledge Receipt of the Planning & Zoning Commission Minutes for the Regular Meeting of October 10, 2022

MOTION WAS MADE BY Mayor Pro Tem Ornelas to approve the above captioned ordinances and minutes, seconded by Council Member Yanez.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 6
Council Member McDonald, Council Member Tompkins, Council Member 0
Smith

NAYS: None

MOTION PASSED

Vouchers

Vouchers for 10/27/22 \$ 740,542.47

Council Member McDonald reviewed the above captioned vouchers.

MOTION WAS MADE BY Council Member McDonald to approve the above captioned vouchers, seconded by Council Member Smith.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 6
Council Member McDonald, Council Member Tompkins, Council Member 0
Smith

NAYS: None

MOTION PASSED

Vouchers for 11/03/22 \$ 464,853.42

Manual Ck. \$ 596.783.18

Council Member Tompkins reviewed the above captioned vouchers.

MOTION WAS MADE BY Council Member Tompkins to approve the vouchers for 11/03/22 and move the manual check amount to the next meeting, seconded by Council Member Yanez.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 6
Council Member McDonald, Council Member Tompkins, Council Member 0
Smith

NAYS: None

MOTION PASSED

Bids

Consideration and Possible Action on Awarding a Bid for a 2023 Ford Escape SUV for the Senior Center and Authorizing the City Manager or His Designee to Execute any Necessary Documents

MOTION WAS MADE BY Council Member Tompkins to award the above captioned bid to Silsbee's Ford in the amount of \$28,904.00, seconded by Council Member McDonald.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 6
Council Member McDonald, Council Member Tompkins, Council Member 0
Smith

NAYS: None

MOTION PASSED

Consideration and Possible Action on Awarding a Bid for a Fifteen Foot Trailer Mounted Jetter for the Distribution and Collection Department and Authorizing the City Manager or His Designee to Execute any Necessary Documents

MOTION WAS MADE BY Council Member Tompkins to award the above captioned bid to Harben, Inc. in the amount of \$475,314.00, seconded by Council Member Yanez.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 6
Council Member McDonald, Council Member Tompkins, Council Member 0
Smith

NAYS: None

MOTION PASSED

Consideration and Possible Action on Awarding a Bid for Two (2) John Deere 35G Compact Excavators for the Distribution and Collections Department and Authorizing the City Manager or His Designee to Execute any Necessary Documents

MOTION WAS MADE BY Council Member Yanez to award the above captioned bid to Yellowhouse Machinery in the amount of \$124,000.00, seconded by Council Member Smith.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 6
Council Member McDonald, Council Member Tompkins, Council Member 0
Smith

NAYS: None

MOTION PASSED

Consideration and Possible Action on Awarding a Bid for Four (4) 2022 Ford Explorer Police Interceptors and Authorizing the City Manager or His Designee to Execute any Necessary Documents

MOTION WAS MADE BY Council Member McDonald to award the above captioned bid to Sewell Ford in the amount of \$173,510.00, seconded by Council Member Smith.

**YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 6
Council Member McDonald, Council Member Tompkins, Council Member 0
Smith
NAYS: None**

MOTION PASSED

Consideration and Possible Action on Awarding a Bid for a Forklift for the Water Treatment Plant and Authorizing the City Manager or His Designee to Execute any Necessary Documents

MOTION WAS MADE BY Council Member Yanez to award the above captioned bid to V-Bar Equipment in the amount of \$40,000.00, seconded by Council Member Tompkins.

**YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 6
Council Member McDonald, Council Member Tompkins, Council Member 0
Smith
NAYS: None**

MOTION PASSED

Consideration and Possible Action on Awarding a Bid for a John Deere Z950m Zero Turn Mower for the Water Treatment Plant and Authorizing the City Manager or His Designee to Execute any Necessary Documents

MOTION WAS MADE BY Council Member Smith to award the above captioned bid to South Plains Implement in the amount of \$12,510.96, seconded by Council Member Yanez.

**YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 6
Council Member McDonald, Council Member Tompkins, Council Member 0
Smith
NAYS: None**

MOTION PASSED

Consideration and Possible Action on Awarding a Bid for the Asbestos Abatement Project for the Cornell Corrections Prison and Authorizing the City Manager or His Designee to Execute any Necessary Documents

MOTION WAS MADE BY Council Member Tompkins to award the above captioned bid to Vanco Insulation in the amount of \$88,200.00, seconded by Council Member McDonald.

**YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 6
Council Member McDonald, Council Member Tompkins, Council Member 0
Smith
NAYS: None**

MOTION PASSED

Consideration and Possible Action of Awarding a Stop Loss Agreement with Companion Life Insurance Company and Authorizing the City Manager or His Designee to Execute any Necessary Documents

MOTION WAS MADE BY Mayor Moore to award the above captioned agreement to Companion Life Insurance Company, seconded by Council Member McDonald.

**YEAS: Mayor Moore, Council Member Yanez, Council Member McDonald, 4
Council Member Smith 2**

NAYS: Mayor Pro Tem Ornelas, Council Member Tompkins

MOTION PASSED

New Business

First Reading of an Ordinance Amending Ordinance Number 038-2022 Which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023 by Increasing the Special Revenue Fund, Senior Center, Budget for the Purpose of Purchasing a New Vehicle for the Senior Center; Providing for Repeal of Ordinances in Conflict Herewith; Providing for Publication; and Providing an Effective Date

MOTION WAS MADE BY Council Member Smith to approve the above captioned ordinance, seconded by Council Member Yanez.

**YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 6
Council Member McDonald, Council Member Tompkins, Council Member Smith 0**

NAYS: None

MOTION PASSED

First Reading of an Ordinance Amending Ordinance Number 038-2022 Which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023 by Increasing the Utility Fund Budget for the Purpose of Purchasing a Jetter Trailer; Providing for Repeal of Ordinances in Conflict Herewith; Providing for Publication; and Providing an Effective Date

MOTION WAS MADE BY Council Member Yanez to approve the above captioned ordinance, seconded by Council Member Smith.

**YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 6
Council Member McDonald, Council Member Tompkins, Council Member Smith 0**

NAYS: None

MOTION PASSED

First Reading of an Ordinance of the City Council of the City of Big Spring, Texas, Amending the Big Spring Zoning Ordinance, Article 2 "Definitions," Section 2-1 "Definition of Words and Terms" by Adding a New Definition "Transitional Housing" and Amending Article 7 "Special Applications," Section 7-2 "Specific Use Permits," Subsection b(72) to Add Transitional Housing for Temporary Lodging on a Non-Profit Basis for Persons Undergoing Services to Those Uses Requiring a Specific Use Permit in Certain Zoning Districts; Providing for Severability; Providing for Publication; and Providing an Effective Date.

MOTION WAS MADE BY Council Member Tompkins to approve the above captioned ordinance, seconded by Mayor Pro Tem Ornelas.

YEAS: Mayor Pro Tem Ornelas, Council Member Yanez, Council Member McDonald, Council Member Tompkins, Council Member Smith 5
1
NAYS: Mayor Moore

MOTION PASSED

First Reading of An Ordinance of the City Council of the City of Big Spring, Texas Amending the Big Spring Zoning Ordinance, Article 9 "Sign Regulations", Section 9-5 "Signs Requiring Permits" by adding New Exceptions as Listed and Section 9-8 "Electronic Message Centers," Subsections 3 and 4 by Permitting Pole Signs on FM 700 from I-20 to Goliad Street, and on I-20 to Have a Maximum Height of Sixty-Five (65) Feet on Property Zoned "R", Retail Or Less Restrictive; Providing for Severability; Providing for Publication; and Providing an Effective Date.

MOTION WAS MADE BY Council Member Tompkins to approve the above captioned ordinance, seconded by Council Member McDonald.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member McDonald, Council Member Tompkins, Council Member Smith 6
0
NAYS: None

MOTION PASSED

First Reading of an Ordinance Authorizing Z-22-03, Amending the Big Spring Zoning Ordinance by Rezoning Approximately 4.58 Acres Out of Sec. 45, Blk 32, T-1-N, T & P R.R. Co. Survey, in Big Spring, Howard County, Texas from SF-2, Single-Family Dwelling District to PD, Planned Development for Housing; Providing for Severability; Providing for Publication; and Providing an Effective Date

MOTION WAS MADE BY Council Member Smith to approve the above captioned ordinance, seconded by Council Member Yanez.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member McDonald, Council Member Tompkins, Council Member Smith 6
0
NAYS: None

MOTION PASSED

Consideration and Possible Action to Purchase Real Property located at 1608 E 15th

Street for \$5,000.00 on Condition that the City Pay Outstanding Ad Valorem Taxes Due on the Property with Seller reserving Mineral Rights and Authorize the City Manager to Execute any Necessary Documents

MOTION WAS MADE BY Council Member Smith to purchase the above captioned property, seconded by Council Member Tompkins.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 6
Council Member McDonald, Council Member Tompkins, Council Member 0
Smith

NAYS: None

MOTION PASSED

Consideration and Possible Action on an Agreement with Verizon Connect Fleet Management Solutions for GPS Tracking Devices and Authorizing the City Manger or His Designee to Execute any Necessary Documents

MOTION WAS MADE BY Mayor Moore to approve the above captioned agreement, seconded by Council Member Smith.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 6
Council Member McDonald, Council Member Tompkins, Council Member 0
Smith

NAYS: None

MOTION PASSED

ADJOURN

Mayor Moore adjourned the meeting at 7:20 p.m.

Robert H. Moore III, Mayor

ATTEST:

Tami L. Davis, City Secretary

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 6:00 PM, November 8, 2022, with the following members present in person:

COUNCIL MEMBER DIANE YANEZ
COUNCIL MEMBER MAURY SMITH
MAYOR ROBERT MOORE
MAYOR PRO TEM NICK ORNELAS
COUNCIL MEMBER GLORIA MCDONALD
COUNCIL MEMBER TROY TOMPKINS

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

TODD DARDEN	City Manager
JOHN MEDINA	Assistant City Manager
ANDREW HAGEN	City Attorney
SHANE BOWLES	Public Works Director
CHAD WILLIAMS	Police Chief
CRAIG FERGUSON	Fire Chief
MIKE FEELEY	Airpark Director
GARY GIVENS	Assistant Finance Director
HAYLEY LEWIS	Community Services Director
TAMI DAVIS	City Secretary
MANDY HAYNES	Presiding Municipal Judge

Open Session

Call to Order

Mayor Moore called the City Council meeting to order at 7:27 p.m.

Council Input

Input

Several Council Members thanked the staff for their work on the Blowout at the Bunker event and are looking forward attending.

ADJOURN

Mayor Moore adjourned the City Council meeting at 7:30 p.m.

Robert H. Moore III, Mayor

ATTEST:

Tami L. Davis, City Secretary

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

The City Council of the City of Big Spring, Texas, met in a Special Meeting in the City Council Chambers located at 307 E. 4th St., Big Spring, Texas, at 9:00 AM, November 9, 2022, with the following members present in person:

MAYOR ROBERT MOORE
COUNCIL MEMBER CODY HUGHES
COUNCIL MEMBER TROY TOMPKINS
COUNCIL MEMBER MAURY SMITH

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
SANDY SMITH	Finance Director
TAMI DAVIS	City Secretary

Open Session

Call to Order

Mayor Moore called the special City Council meeting to order at 9:00 a.m.

Consent Items

Final Reading of An Ordinance of the City Council of the City of Big Spring, Texas Amending the Big Spring Zoning Ordinance, Article 9 "Sign Regulations", Section 9-5 "Signs Requiring Permits" by adding New Exceptions as Listed and Section 9-8 "Electronic Message Centers," Subsections 3 and 4 by Permitting Pole Signs on FM 700 from I-20 to Goliad Street, and on I-20 to Have a Maximum Height of Sixty-Five (65) Feet on Property Zoned "R", Retail Or Less Restrictive; Providing for Severability; Providing for Publication; and Providing an Effective Date.

MOTION WAS MADE BY Council Member Hughes to approve the above captioned ordinance, seconded by Council Member Tompkins.

**YEAS: Mayor Moore, Council Member Hughes, Council Member Tompkins, 4
Council Member Smith 0**

NAYS: None

MOTION PASSED

ADJOURN

Mayor Moore adjourned the special City Council meeting at 9:05 a.m.

Robert H. Moore III, Mayor

ATTEST:

Tami L. Davis, City Secretary

Minutes of the Board of Director's Regular Meeting
BIG SPRING ECONOMIC DEVELOPMENT CORPORATION
Tuesday, October 11, 2022, 12:00 p.m.
Offices of the Big Spring Economic Development Corporation
215 West Third Street, Big Spring, Texas

The Regular Meeting of the Board of Directors of the Big Spring Economic Development Corporation was called to order at 12:00 p.m. Tuesday, October 11, 2022, in the offices of the Big Spring Economic Development Corporation. The following notice was sent on October 7, 2022, to all Directors, the news media, and duly posted on October 07, 2022, by Teresa Morris in compliance with the Open Meeting's Act by posting it on the outside door of the Big Spring Economic Development Corporation and on the inside and outside of City Hall.

"The Board of Directors of the Big Spring Economic Development Corporation will hold a Regular Board Meeting on Tuesday, October 11, 2022, at 12:00 p.m. in the offices of the Big Spring Economic Development Corporation, 215 West Third Street, Big Spring, Texas. The purpose of the meeting is Public Comment, Action on Minutes of the September 20, 2022, Regular Meeting, Resolution recognizing outgoing Board Member, Jeff Ward, Welcome New Board Member, Kristy Tyra, Election of Officers, Appointment of Committee Chairs by President, Consideration/Action to Approve Contract between Leading EDG and BSEDC, Directors Report, Board Comment, and Adjourn".

Directors Present:

Mr. Shane Seaton- President
Mr. Jeff Ward- Vice President
Mr. Raul Benavides- Secretary/Treasurer
Mr. Paschal Odom
Mr. Cody Williams
Mrs. Kristy Tyra

Directors Absent:

Staff Present:

Mr. Mark Willis,
Ms. Teresa Morris

Guests that signed in: Randy Johnson, Malinda Flenniken, Anna Scott, Maury Smith

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

Mr. Seaton called the meeting to order at 12:00 p.m. Mr. Seaton led the invocation and pledge.

ACTION ITEM #2- Public Comment:

None

AGENDA ITEM #3- Action on Minutes of the September 20, 2022, Regular Meeting:

Mr. Seaton presented the Minutes. Motion to accept the Minutes was made by Mr. Ward seconded by Mr. Williams. The motion passed 5 to 0 with all members present voting "aye" in favor of the motion.

ACTION ITEM #4- Approval of a Resolution Recognizing Mr. Jeff Ward:

Mr. Seaton read the Resolution. Motion to approve the Resolution was made by Mr. Odom, seconded by Mr. Benavides. The motion passed 5 to 0 with all members present voting "aye" in favor of the motion.

ACTION ITEM #5- Welcome New Board Member: Kristy Tyra

Mr. Seaton welcomed Mrs. Tyra to the Board as well as welcomed Mr. Benavides back for his second term.

ACTION ITEM #6- Election of Officers:

Mr. Seaton made a nomination to elect Mr. Benavides as President, Mr. Williams as Vice President, and Mrs. Kristy Tyra as Secretary/Treasurer. Mr. Williams made a motion to elect Mr. Benavides as President, Mr. Williams as Vice President, and Mrs. Kristy Tyra as Secretary/Treasurer, seconded by Mr. Odom. The motion passed 5 to 0 with all members present voting "aye" in favor of the motion.

ACTION ITEM # 7- Appointment of Committee Chairs by President:

Mr. Benavides asked for volunteers for each committee: Mrs. Tyra volunteered for Industry Attraction and Recruitment, Mr. Benavides volunteered for Industry Retention and Expansion and Mr. Williams volunteered for Workforce Development

ACTION ITEM #8- Consideration/Action to Approve an Annual Agreement between BSEDC and Leading EDG:

Mr. Willis presented the Agreement. This is an annual routine item with no changes other than the date. Motion to approve the Agreement and authorize the Executive Director to sign all necessary documents was made by Mr. Seaton, seconded by Mr. Odom. The motion passed 5 to 0 with all members present voting "aye" in favor of the motion.

ACTION ITEM #9- Directors Report:

Projects: The City and EDC have been notified that the \$3.2 million EDA grant has been awarded to Big Spring. Meetings with the various parties that will be involved with the new business park project are in the process of being scheduled. The redevelopment of the Ramada Inn/Prison property continues to progress, though the bid process has been rescheduled for completion in November. The restaurant prospect the EDC and City have been working with is preparing a sign variance request and is being addressed by Public Works to move forward for City consideration. The EDC Director met with the Texas Economic Development Partners group in Boerne to discuss cooperative marketing plans for 2023. The large County industrial prospect remains on hold pending state response to the proposed 313 Agreement with Big Spring ISD, but BSISD will be moving forward on Thursday to vote to create the Reinvestment Zone. Howard County, Big Spring, Howard College, and EDC leaders met with a prospect interested in constructing a battery storage facility in Big Spring. The cotton seed shipping project is on hold due to the poor harvest this year and the sale of the transport company to a larger corporation, but several other rail related projects are being discussed at the Airpark. The EDC Director and City leaders continue to work with the Ryan group on the further development of his properties downtown. The EDC Director and Associate Director met with the Howard College CTE planning group to discuss potential programs going forward. The Tesla charging station is under construction and has only been facilitated by the EDC along with the City but not funded by either entity. Spring Creek Mall is gaining Harbor Freight which is an additional project that the EDC helped facilitate. The EDC Director will present the EDC annual report to the City Council this evening. Meetings: The EDC Associate Director continues to facilitate additional rail meetings to discuss future developments with UP and Big Spring Rail. The ECD Director resumed participation in two monthly radio interviews (travel had forced several of these to be cancelled). The EDC Director participated in three City staff meetings. The EDC Director attended the monthly County leadership meeting. Plans have begun for the Howard County Summit which will be held February 28th. The next Board meeting will be November 15th.

AGENDA ITEM #10-Board Comments:

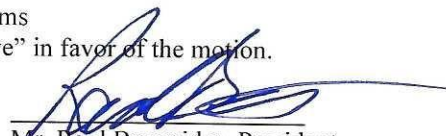
The Board expressed their appreciation to Mr. Ward for all his work and dedication to the Board, welcomed back Mr. Benavides to his second term, and welcomed Mrs. Tyra to the board.

AGENDA ITEM #11- Adjourn:

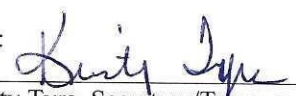
Mr. Odom made a motion to adjourn, seconded by Mr. Williams

The motion passed 5 to 0 with all members present voting "aye" in favor of the motion.

Meeting adjourned at 12:27 pm on October 11, 2022.


Mr. Raul Benavides, President

ATTEST:


Mrs. Kristy Tyra, Secretary/Treasurer



**COMMUNITY SERVICES
MEMORANDUM**

Date: 11/8/2022
To: Mayor and City Council
Todd Darden, City Manager
From: Hayley Lewis, Community Services Director
Subject: Budget Amendment: Senior Center Vehicle

At this time, we are respectfully requesting permission to make a budget amendment for the Senior Center to purchase a new delivery vehicle. The senior center's current fleet is over 15 years old and is costing upwards of \$5,000-\$10,000 on vehicle maintenance.

Motor Vehicles: 160-050-910-6401 adding an additional \$4,000 for a total of \$29,000

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AMENDING ORDINANCE NUMBER 038-2022 WHICH ADOPTED THE ANNUAL BUDGET FOR THE CITY OF BIG SPRING, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023 BY INCREASING THE SPECIAL REVENUE FUND, SENIOR CENTER, BUDGET FOR THE PURPOSE OF PURCHASING A NEW VEHICLE FOR THE SENIOR CENTER; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS the City Council adopted the annual 2022-23 budget for the City of Big Spring, Texas on September 27, 2022 (“Budget”); and

WHEREAS additional funds is requested for a Senior Center vehicle that was not included in such Budget; and

WHEREAS the City Council desires to increase the special revenue fund budget in order to purchase a new vehicle for the Senior Center for meal deliveries.

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

SECTION 1. The Special Revenue Fund, Senior Center Budget of the Annual Budget for the City of Big Spring, Texas for the Fiscal Year beginning October 1, 2022 and ending September 30, 2023 is hereby increased by the amount of \$4,000.00 to the expense account number 160-050-910-6401 (Vehicles) for the purpose of purchasing a new vehicle for the Senior Center. The net increase will be funded through the fund balance.

SECTION 2. The remaining portions of Ordinance Number 038-2022 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 reminder 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 **8th** day of **November, 2023** 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 **13th** day of **December, 2023** 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 ORDINANCE NUMBER 038-2022 WHICH ADOPTED THE ANNUAL BUDGET FOR THE CITY OF BIG SPRING, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023 BY INCREASING THE UTILITY FUND BUDGET FOR THE PURPOSE OF PURCHASING A JETTER TRAILER; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS the City Council adopted the annual 2022-23 budget for the City of Big Spring, Texas on September 27, 2022 (“Budget”); and

WHEREAS funds for a jetter trailer for the Distribution and Collection (D&C) Department was not included in such Budget; and

WHEREAS the City Council desires to increase the utility fund budget in order to purchase a jetter trailer.

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, 2022 and ending September 30, 2023 is hereby increased by the amount of \$10,000.00 to the expense account number 405-021-710-6401 (Vehicles) for the purpose of purchasing a new jetter trailer for the D & C Department. The net increase will be funded through the fund balance.

SECTION 2. The remaining portions of Ordinance Number 038-2022 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 reminder 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 **8th** day of **November, 2023** 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 **13th** day of **December, 2023** 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, AUTHORIZING Z-22-03, AMENDING THE BIG SPRING ZONING ORDINANCE BY REZONING APPROXIMATELY 4.58 ACRES OUT OF SEC 45, BLK 32, T-1-N, T & P R.R. CO. SURVEY, IN BIG SPRING, HOWARD COUNTY, TEXAS FROM SF-2, SINGLE-FAMILY DWELLING DISTRICT TO PD, PLANNED DEVELOPMENT FOR HOUSING; 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 October 10, 2022;

WHEREAS, a majority of 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 November 8, 2022; and

WHEREAS, due to the Zoning Commissions' recommendation to the City Council was to approve this change, the Zoning Ordinance of Big Spring requires three-fourths of the City Council vote for approval of the proposed change; 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-22-03, a rezone of 4.58 acres lying in and being Section 45, Block 32, T-1-N, T&P RR Co. Survey in Big Spring, Howard County, Texas from SF-2, Single-Family Dwelling District to PD, Planned Development for Housing and such changes are 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 PD, Planned Development for Housing.

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 **8th** day of **November, 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 13th day of **December, 2022**, with all members present 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 BIG SPRING, TEXAS AMENDING THE BIG SPRING ZONING ORDINANCE, ARTICLE 2 “DEFINITIONS,” SECTION 2-1 “DEFINITION OF WORDS AND TERMS” BY ADDING A NEW DEFINITION “TRANSITIONAL HOUSING” AND AMENDING ARTICLE 7 “SPECIAL APPLICATIONS,” SECTION 7-2 “SPECIFIC USE PERMITS,” SUBSECTION b(72) TO ADD TRANSITIONAL HOUSING FOR TEMPORARY LODGING ON A NON-PROFIT BASIS FOR PERSONS UNDERGOING SERVICES TO THOSE USES REQUIRING A SPECIFIC USE PERMIT IN CERTAIN ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission held discussions on June 21, 2022 and again on September 16, 2022 to discuss potential amendments to the city’s zoning regulations concerning transitional housing; and

WHEREAS, the Planning and Zoning Commission submitted its final report to the City Council on November 1, 2022;

WHEREAS, the Planning and Zoning Commission recommends the following amendments to the City of Big Spring Zoning Ordinance;

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

SECTION 1. The Big Spring Zoning Ordinance, Article 2 entitled “Definitions,” Article 2-1 entitled “Definition of Words and Terms,” is hereby amended by adding a new definition “Transitional Housing” to read in its entirety as follows:

ARTICLE 2. – DEFINITIONS

SECTION 2.1 – Definition of words and terms.

TRANSITIONAL HOUSING means a housing shelter that provides supervised lodging at no charge for individuals on a non-profit basis for an extended period not to exceed 18 months within any five year period, on condition that any person receiving lodging accepts as seen fit by the supervisor of the transitional housing facility or the supervisor’s agent all of the following: social services, job training, self-sufficiency training, life skills training, educational programs, physical fitness programs, substance abuse treatment, health care including but not limited to mental health treatment, and/or counseling programs, and other conditions decided by the supervisor such as testing for illegal drugs. Transitional housing does not include group homes.

SECTION 2. The Big Spring Zoning Ordinance, Article 7 entitled “Special Applications,” Article

7-2 entitled “Specific Use Permits,” Subsection B(72) is hereby amended to read in its entirety as follows:

ARTICLE 7. – SPECIAL APPLICATIONS

SECTION 7-2. Specific Use Permits.

(b) Specific use permits without term may be issued for the following types of uses and subject to, but not limited to, the specified restrictions, in the following districts:

72. Transitional Housing in the following zones: HC, LI, LC, and HI Districts subject to the standards and restrictions listed herein.

An application for a Transitional Housing permit shall include a written operational plan. The operational plan shall provide a description of the use and sufficient details to adequately describe the operations of the Transitional Housing use. The operational plan shall include the following:

1. An organizational tree including an estimated total number of professional staff and volunteers that will work at the facility;
2. The number of beds to be provided;
3. The average population per month;
4. A description of the services to be provided, such as job placement, counseling, and other training services;
5. A description of the population expected to be served, for example women, women and children, single men, families, etc.;
6. Typical length of stay per person; and
7. Any other information the applicant believes could be helpful to explain the operation and compatibility of the proposed transitional housing facility with the proposed location.

Transitional housing shall not be permitted within one thousand (1,000) feet of another transitional housing facility.

Transitional housing shall not be permitted within one thousand (1,000) feet of a school or daycare, or public park. Measurements of distance under this section are taken radially along the shortest distance between the nearest point of the transitional housing building and the nearest point of the school, daycare, or public park.

Transitional housing shall not allow any person as a tenant or resident in any capacity if previously convicted of a sex-oriented crime or child molestation.

Outdoor leisure activities at transitional housing shall be limited to the hours of 6:00 a.m. until 10:00 p.m. seven (7) days a week.

The transitional home may be considered a public nuisance if any of the following occurs: (1) More than two (2) police disturbance calls are recorded within a thirty-day period involving residents housed at any single transitional facility; (2) A code violation that is not brought into compliance within thirty (30) days of receiving notice; or (3) More than five (5) nuisance complaints from adjoining property owners are received and validated by the police department within a six-month period. If the Police Chief determines that any of these three (3) provisions occur, he or she shall request that the city attorney take court action to abate the nuisance where appropriate under law.

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 ordered and directed to cause the descriptive caption as well as the penalties for violation of this ordinance to be published as required by law.

SECTION 6. This ordinance shall take effect immediately after its publication 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 **8th** day of **November, 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 **13th** day of **December, 2022** with all members of the Council voting “aye” for the passage of same.

Robert Moore, Mayor

ATTEST:

Tami L. Davis, City Secretary

CITY OF BIG SPRING

Memorandum

To: Honorable Mayor, City Council, and City Manager

From: Sandy Smith, Finance Director

Date: December 13, 2022

Subject: Request for bid award for Debt Collection Services.

The City of Big Spring, Finance Department, sent out a request for proposal for debt collection services. It has been the directive from Council to improve our debt collection efforts. Our current contract for debt collection services is with Perdue, Brandon, Fielder, Collins & Mott, LLP. Currently, they do debt collection for the Municipal Court and for the Utility Departments only. They do not collect on any miscellaneous receivables, such as delinquent accounts for the Airpark or Cemetery.

This year the City sent out two proposals, one to our current company and another one to a company that requested to be on our bidder's list. In addition, we advertised in the Big Spring Herald for two Sundays. We received three proposals.

Bidder	Linebarger	PBFC&M LLC	MVBA
Evaluation #1	78	73	98
Evaluation #2	78	73	98
Evaluation #3	83	68	98
Total Score	239	214	294

Each bidder had equivalent experience, collection procedures, ability to integrate with our software, etc. The differentiation between the three was that MVBA was the only company to state specifically that they were willing to pursue the miscellaneous past due accounts and the only bidder to state specifically the cost.

It is staff recommendation that we award the bid to MVBA.



Memorandum

To: Honorable Mayor, City Council, and City Manager

From: Chad Williams, Chief of Police

Date: December 1, 2022

Subject: Request for Bid Award for Upfitting of Police Department Squad Units

The Big Spring Police Department is requesting council approval to award the upfitting bid award for the four Ford Police Interceptors for the 2022-2023 budget year to Cap Fleet Upfitting for \$23,873.00 per unit. Cap Fleet Upfitting is part of the Tarrant County Cooperative Purchasing Agreement and we have used this company for several years and been very satisfied with their performance. This upfitting price in addition to the purchase price of the four police units would total \$269,002.00, which is \$3,998.00 under the \$273,000.00 budgeted for the 2022-2023 budget year. I have included the itemized list from Cap Fleet of equipment that will be installed.

Your consideration in this matter is greatly appreciated.

Quote

Date **9/1/2022**
Quote # **CAPQ-105546**



CAP FLEET

2603 Taylors Valley Road
Belton, TX 76513
Office 254-773-1959

Name / Address

BIG SPRING
BIG SPRING, TEXAS 79720 United States

Ship To:

BIG SPRING
BIG SPRING, TEXAS 79720 United States

Salesperson:	Bary Bedford
Email:	CMAHURIN@BIGSPRINGPD.NET
Contact Name:	LT MAHURIN

Year:	2022
Make:	Ford
Model:	PI UTILITY

Job Description: VEHICLE FROM SILSBEE WITH READY FOR THE RAOD PACKAGE.

Quote Summary

Per Vehicle Subtotal	\$23,873.00
Per Vehicle Tax	\$0.00
Per Vehicle Total	\$23,873.00

# Vehicles Quoted	1
-------------------	---

Grand Total \$23,873.00

****PRICES ARE VALID FOR 30 DAYS BUT ARE SUBJECT TO CHANGE DUE TO SUPPLY CHAIN CHALLENGES.
REVERIFY PRICING BEFORE ISSUING A PURCHASE ORDER. COMMODITY SURCHARGES MAY APPLY AFTER PO IS ISSUED.
ALL CANCELLED ORDERS ARE SUBJECT TO A 20% RESTOCKING FEE****

I hereby authorize the install work therein set forth to be done by CAP Fleet Upfitters, together with the furnishing by CAP Fleet Upfitters of the necessary parts and other material for such install and agree that CAP Fleet Upfitters is not responsible for any delays caused by unavailability or delayed availability of parts or material for any reason; that CAP Fleet Upfitters neither assumes or authorizes any other person to assume for CAP Fleet Upfitters any liability in connection with such install; that CAP Fleet Upfitters shall not be responsible for loss or damage to the above vehicle, or articles left therein; in case of fire, theft, any Act of God, or other cause beyond CAP Fleet Upfitters control; that CAP Fleet Upfitters employees may operate the above vehicle on streets, highways, or elsewhere for the purpose of testing and/or inspecting such vehicle.

WWW.CAPFLEET.COM

QUOTES ARE GOOD FOR 30 DAYS.

PLEASE SIGN BELOW IF ALL ITEMS & QUANTITIES ARE APPROVED.

X_____ Date: / /

Quote

Date **9/1/2022**
Quote # **CAPQ-105546**



CAP FLEET

2603 Taylors Valley Road
Belton, TX 76513
Office 254-773-1959

QTY	Part #	Part Details	Unit Price	Total
1	906-0966A	D&R LT6600 2020+ PIU COMPUTER MOUNT Notes: D&R	\$90.00	\$90.00
CONSOLE/MDT				
1	C-VS-1012-INUT	HIGH ANGLED CONSOLE FOR 2020-2023 FORD INTERCEPTOR UTILITY	\$452.00	\$452.00
1	CM009785-1	HVAC RELOCATION BRACKET KIT	\$46.00	\$46.00
1	C-EB40-SO5-1P	1-PIECE EQUIPMENT MOUNTING BRACKET; 4" MOUNTING SPACE; FITS SOUNDOFF SIGNAL 500 SERIES	\$0.00	\$0.00
1	C-EB40-XG1-1P	1-PIECE EQUIPMENT MOUNTING BRACKET; 4.0" MOUNTING SPACE; FITS UNITY XG-100M RADIO	\$0.00	\$0.00
1	C-ARM-102	SIDE MOUNT ARMREST	\$71.00	\$71.00
1	CUP2-1001	SELF-ADJUSTING DOUBLE CUP HOLDER	\$51.00	\$51.00
1	C-LP-3	CONSOLE ACCESSORY BRACKET KIT WITH 3 LIGHTER PLUG OUTLETS	\$60.00	\$60.00
2	C-MCB	MIC CLIP BRACKET	\$15.00	\$30.00
2	MMBP	MAGNETIC MIC KIT	\$40.00	\$80.00
1	C-FP-2	2" FILLER PLATE	\$0.00	\$0.00
2	C-FP-3	3" FILLER PLATE	\$0.00	\$0.00
1	907-0151D	LOCKING UNIVERSAL TRAY	\$101.00	\$101.00
ELECTRONICS				
1	20702	SL-20L NIMH WITH 12V DC	\$163.00	\$163.00
1	FOCUS-51-00	FOCUS H1 IN-CAR SYSTEM - PACKAGE 2 CAMERAS & WIRELESSMICROPHONE	\$5,400.00	\$5,400.00
1	MZZ-01	COBAN MOUNTING	\$169.00	\$169.00
1	SCOPT-27	TWO DUAL BAND ANTENNAS	\$257.00	\$257.00
1	SCAA-016	FCOUS H1 SUPPORT KIT	\$145.00	\$145.00
1	FOCUS-04-06	FOCUS H1 64 GB SECURED PEN DRIVE	\$285.00	\$285.00
1	LFEE-050	SHIPPING - IN CAR VIDEO SYSTEMS	\$63.00	\$63.00
1	XZ-AN6Z	ANTENNA BASE STD ROOF MNT LOW LOSS GPS Notes: DAILEY WELLS	\$158.00	\$158.00
1	XZ-AN7G	ANTENNA FLEX HEAVY-DUTY Notes: DAILEY WELLS	\$225.00	\$225.00
EMERGENCY LIGHTING				
1	ENFWB001LJ	NFORCE FRONT INTERIOR LIGHTBAR (ENFWB) Notes: QE108200	\$1,307.00	\$1,307.00
1	ENFWB001LV	NFORCE REAR INTERIOR LIGHTBAR (ENFWB) Notes: QE108200	\$1,015.00	\$1,015.00
1	ENGSA5100RSP	BLUEPRINT 500 SERIES REMOTE CONTROL SYSTEM WITH BUTTON CONTROL, 10-16V - 100 WATT SINGLE-TONE	\$1,050.00	\$1,050.00

Quote

Date **9/1/2022**
Quote # **CAPQ-105546**



CAP FLEET

2603 Taylors Valley Road
Belton, TX 76513
Office 254-773-1959

QTY	Part #	Part Details	Unit Price	Total
2	PSLVBK01	MOUNTING KIT FOR SL RUNNING LIGHT INCLUDES: BRACKET, ADAPTER PLATE & HARDWARE KIT, FORD EXPLORER 2020-2022	\$29.00	\$58.00
2	ESLRL61058	SL RUNNING LIGHT, 61" - 5 MODULE, TRICOLOR RED/BLUE/WHITE	\$375.00	\$750.00
1	EMPAK001YW	MPOWER ARROW KIT (EMPAK) Notes: QE108200	\$1,388.00	\$1,388.00
2	EMPS2STS5RBW	MPOWER 4" FASCIA LIGHT W/STUD MOUNT, 18" HARD WIRE W/SYNC OPTION, SAE CLASS 1 & CA TITLE 13, 9-32 VDC, BLACK HOUSING, 18 LED, TRICOLOR - RED/BLUE/WHITE Mounting Location : PB - FRONT CENTER Notes: SAME LOCATION AS CAPQ55311. SEE QC PIC. WHITE ON TAKEDOWN.	\$164.00	\$328.00
1	60CREGCS	12V WHT/RED 6" COMPARTMENT LT	\$146.40	\$146.40
1	ENGND04101	BLUEPRINT REMOTE NODE, 4 ACTIVE HIGH/LOW INPUTS, 10 OUTPUTS (50 AMPS MAX), ECE R10 CERTIFIED	\$273.00	\$273.00
EXTERIOR				
1	5344	5000 SERIES PUSH BUMPER; PUSH BUMPER; STEEL; SEMI-GLOSS BLACK; 20-23 FORD INTERCEPTOR UTILITY	\$390.00	\$390.00
OTHER				
1	TRANSPORT	Transportation Fee	\$500.00	\$500.00
1	WET4415751	20-C EXPLORER FRONT FLOOR LINER BLACK	\$106.00	\$106.00
PRISONER TRANSPORT EQUIPMENT				
1	PRPSP4714UINT20A	POLY CENTER SLIDER WINDOW WITH EXPANDED METAL INSERT; PARTITION - SPACE SAVER - INCLUDES RECESSED PANEL AND LOWER EXTENSION PANELS; FORD INTERCEPTOR UTILITY 2020-2022	\$822.00	\$822.00
1	S4705UINT20OSB	CHARCOAL GREY ABS, STANDARD TRANSPORT SEAT W/ 7GA. STEEL SCREEN WINDOW CARGO BARRIER AND OUTBOARD SEAT BELTS; REAR TRANSPORT SEATS; FORD INTERCEPTOR UTILITY 2020-2022	\$1,495.00	\$1,495.00
1	WB47NPUINT20	PAIR, STEEL WINDOW BARS (FOR USE WITH OEM DOOR PANELS ONLY); REAR WINDOW BARS; FORD INTERCEPTOR UTILITY 2020-2022	\$219.00	\$219.00
1	GK10342UHK	DUAL T-RAIL MOUNT; 2 UNIVERSAL XL; HANDCUFF KEY OVERRIDE; *FOR USE WITH ALL VEHICLES; *FOR USE WHEN MOUNTING TO FREESTANDING BASES Wiring Instructions : WIRE GUNLOCK TO SMART SIREN	\$495.00	\$495.00

QTY	Part #	Description	Price
1	GRAPHICS	CUSTOM GRAPHICS	\$250.00
1	LABOR	LABOR	\$3,409.60
1	SHIPPING	SHIPPING	\$750.00
1	TINT	TINT, FRONT WINDOWS ONLY	\$125.00
1	PDKIT	POWER DISTRIBUTION KIT	\$50.00
1	DISPOSAL	DISPOSAL FEE (FOR OEM PARTS NOT PICKED UP ON DELIVERY)	\$100.00

Quote

Date **9/1/2022**
Quote # **CAPQ-105546**



CAP FLEET

2603 Taylors Valley Road
Belton, TX 76513
Office 254-773-1959

QTY	Part #	Description	Price
1	PROGFEE	PROGRAMMING FEE	\$200.00
1	INSPECT	ALL CAP FLEET INSPECTIONS COME WITH AN AGENCY LIMITED LIFETIME WARRANTY	\$100.00
1	DEALER	DEALER PREP	\$125.00
1	WIRING HARNESS	WIRING HARNESS	\$350.00
1	SHOP SUPPLIES	SHOP SUPPLIES	\$225.00

QTY	Make	Model	Used
1	Stalker	Dual	☐

City of Big Spring

Purchasing and Material Control

Memorandum

To: Honorable Mayor, City Council, City Manager

From: Albert Belez, Purchasing Agent

Date: November 15, 2022

Subject: Request approval to purchase 10 (ten)- 30 yard trash containers

On Monday, November 14, 2022, at the request of the City's Sanitation Department, the City of Big Spring's Purchasing department sought out pricing and availability of 10(ten)-30 yard trash containers. The Purchasing department received a quote in the amount of \$59,620 for the containers from Roll-Offs USA of Durant, Oklahoma.

Recommendation: Staff request that Council approve the containers for purchase. The submitted quote from Roll-Offs USA reflects a Buyboard contract price. The sanitation department budgets \$200,000.00 to purchase refuse containers of various sizes and this item is within budget.

City of Big Spring

Purchasing and Material Control

Memorandum

To: Honorable Mayor, City Council, City Manager

From: Albert Belez, Purchasing Agent

Date: November 23, 2022

Subject: Request approval to purchase 1-72" John Deere Z950m Zero Turn Mower

On Tuesday, October 27, 2022, at the request of the City's Waste Water Treatment Plant, the City of Big Spring's Purchasing department sought out pricing and availability of 1(one)- 72" John Deere Z950m Zero Turn Mower. The Purchasing department received a quote in the amount of \$12,507.88 for the zero-turn mower. The submitted quote is from South Plains Implement of Tornillo, TX. The submitted quote is a Sourcewell Cooperative quote.

Recommendation: Due to the price and uncertainty in the current supply chain, the staff is respectfully requesting that the Council accept the formal quote from South Plains Implement and proceed with the purchase.

Note: It is also important to note that the quoted zero-turn would be available March 2023. This item has been budgeted for \$ 35,000. If approved, the cost difference would be \$22,492.12.

City of Big Spring

Purchasing and Material Control

Memorandum

To: Mayor Robert H. Moore, Big Spring City Council, and Todd Darden, City Manager

From: Albert Belez, Purchasing Agent

Date: December 14, 2022

Subject: Request for Approval - John Deere Gator

On Monday, November 14, 2022, at the request of the Airpark Department, the Purchasing Department sought out pricing and availability for 1 (one) 2023 John Deere Gator XUV825M. The Purchasing Department received a quote in the amount of \$18,701.86 from South Plains Implement of Tornillo, Texas. The submitted quote is a Sourcewell Cooperative quote.

Recommendation: Due to the price and uncertainty in the current supply chain, staff recommends that the City Council accept the formal quote from South Plains Implement and proceed with the purchase. This equipment was not budgeted, if approved it will require a \$19,000. Budget amendment.

Note: It is also important to note that the gator would be available in early January 2023.

City of Big Spring

Purchasing and Material Control

Memorandum

To: Robert H. Moore, Big Spring City Council, and Todd Darden, City Manager

From: Albert Belez, Purchasing Agent

Date: December 13, 2022

Subject: Request for Approval - 2022 Kubota RTV-X1100CWL-H UTV

On Thursday, November 10, 2022, at the request of the City's Waste Water Treatment Plant, the Purchasing Department sought out pricing and availability for 1 (one) 2022 Kubota RTV-X1100CWL-H UTV. The Purchasing Department received a quote in the amount of \$20,943.22 from Kubota of Odessa, Texas. The submitted quote is a Buyboard Cooperative quote.

Recommendation: Due to the price and uncertainty in the current supply chain, staff recommends that the City Council accept the formal quote from Kubota of Odessa and proceed with the purchase.

Note: It is also important to note that this vehicle will be available in late December 2022 or early January 2023. The approved budget is \$28,000.00. If approved, this would be a cost difference of \$7,056.78.

City of Big Spring

Purchasing and Material Control

Memorandum

To: Honorable Mayor, City Council, City Manager

From: Albert Belez, Purchasing Agent

Date: December 6, 2022

Subject: Request approval to purchase 2-7 ton capacity tilt trailers

On Monday, November 14, 2022, at the request of the City's Distribution and Collections Department, the City of Big Spring's Purchasing department sought out pricing and availability of 2 (two)- 7 (seven) ton capacity tilt trailers. The Purchasing department received 3 quotes from 3 different vendors.

Recommendation: Due to the price and uncertainty in the current supply chain, City staff are respectfully requesting that the Council accept the formal quote from Texas Pride Trailers in the amount of \$17,477.50 for both trailers. A bid tabulation has been provided to help assist in the decision-making process.

Note: It is also important to note that the trailers will be used for transporting the 2 mini excavators that council approved earlier this year. The current budget reflects that \$45,000 has been allocated for the purchase of these trailers. If approved, the cost difference would be \$27,522.50.

2 (two)-7 Ton Capacity Tilt Trailers

Vendor	Location	Quoted Price
Texas Pride	Madisonville, TX	17,477.50
Big Tex Trailers	Odessa, TX	20,937.98
Happy Trailers	Abilene, TX 79601	18,250.00



MEMORANDUM

Date: November 28, 2022

To: Mayor Robert H. Moore, Big Spring City Council, and Todd Darden, City Manager

From: John Medina, Assistant City Manager

Re: Request for Award Bid No. 22-023 - Mid-Tex Asbestos Abatement & Demolition

On May 10, 2022, the Big Spring City Council approved the use of ARPA funds for asbestos abatement and demolition of the Mid-Tex property as part of our Pandemic Relief Recovery Plan. The allocation for this project is \$700,000.00. Corrol Consultants assisted in planning for the project; their estimated budget for the project is \$624,300.00.

On November 8, 2022, City staff recommended the City Council award the bid for the asbestos abatement portion of the project to VanCo out of Midland, Texas. City Council awarded the bid to VanCo in the amount of \$88,200.00. Estimated time to complete the project is 30-35 days.

On Friday, August 26, 2022, the Purchasing Department released a request for bids for the demolition of the Mid-Tex Corrections Facility. The awarded contractor will demolish the structure known as the Mid-Tex Corrections Facility located at 1801 West I-20, Big Spring, Texas. The structure has been defined as any building, fencing, and concrete on the property.

We received 4 (four) formal proposals that were analyzed and scored by City staff and a City Council member on the following aspects:

- | | |
|-----------------------------------|--------------------|
| 1. Price submitted | (55 point maximum) |
| 2. Experience | (15 point maximum) |
| 3. Past performance with the city | (5 point maximum) |
| 4. Time of completion | (15 point maximum) |
| 5. Capacity to perform | (5 point maximum) |
| 6. Local contractor | (5 point maximum) |

A bid tabulation is provided below to assist in the awarding of this bid.

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Bidders Name	Bid Bond	Base Bid	Days	Total Score
Vanco	Yes	\$ 452,432.00	80	87.4
Alloy	Yes	\$ 419,897.00	30	74.6
Sierra	Yes	\$ 240,000.00	30	63.8
C & B Excavation/ Paving	Yes	\$ 1,350,000.00	120	59.2

	Vanco	Alloy	Sierra	C & B Excavation
Price	245	256	250	108
Experience	72	54	28	64
Past Performance with the City	24	0	0	21
Time to Completion	67	39	35	62
Capacity to Perform	24	24	6	16
Local Contractor	5	0	0	25
TOTAL POINTS	437	373	319	296
TOTAL AVERAGE	87.4	74.6	63.8	59.2

Staff Recommendation: VanCo's bid of \$452,432.00, the asbestos abatement of \$88,200.00 and consulting for \$24,000.00, the total project cost using ARPA funds will be \$564,632.00. The total project amount is less than the estimated budget of \$624,300.00 by \$59,668.00.

City staff recommends that the City Council award the project to Vanco Insulation of Midland, Texas. Vanco submitted a base bid in the amount of \$452,432.00.



MEMORANDUM

Date: December 13, 2022
To: Mayor Robert H. Moore, Big Spring City Council, and Todd Darden, City Manager
From: John Medina, Assistant City Manager
Re: Request for Approval - LED Lighting

The following lighting upgrades have been done at the Roy Anderson Sports Complex:

- 2018 – 50/70 Field. Cost: \$197,742.50. Installation by Qualite Sports Lighting
- 2019 – Roberts Field. Cost: \$173,650.00. Installation by Qualite Sports Lighting
- 2022 – Garrett Field. Cost: \$16,500.00. Replacement of bulbs and broken fixtures.

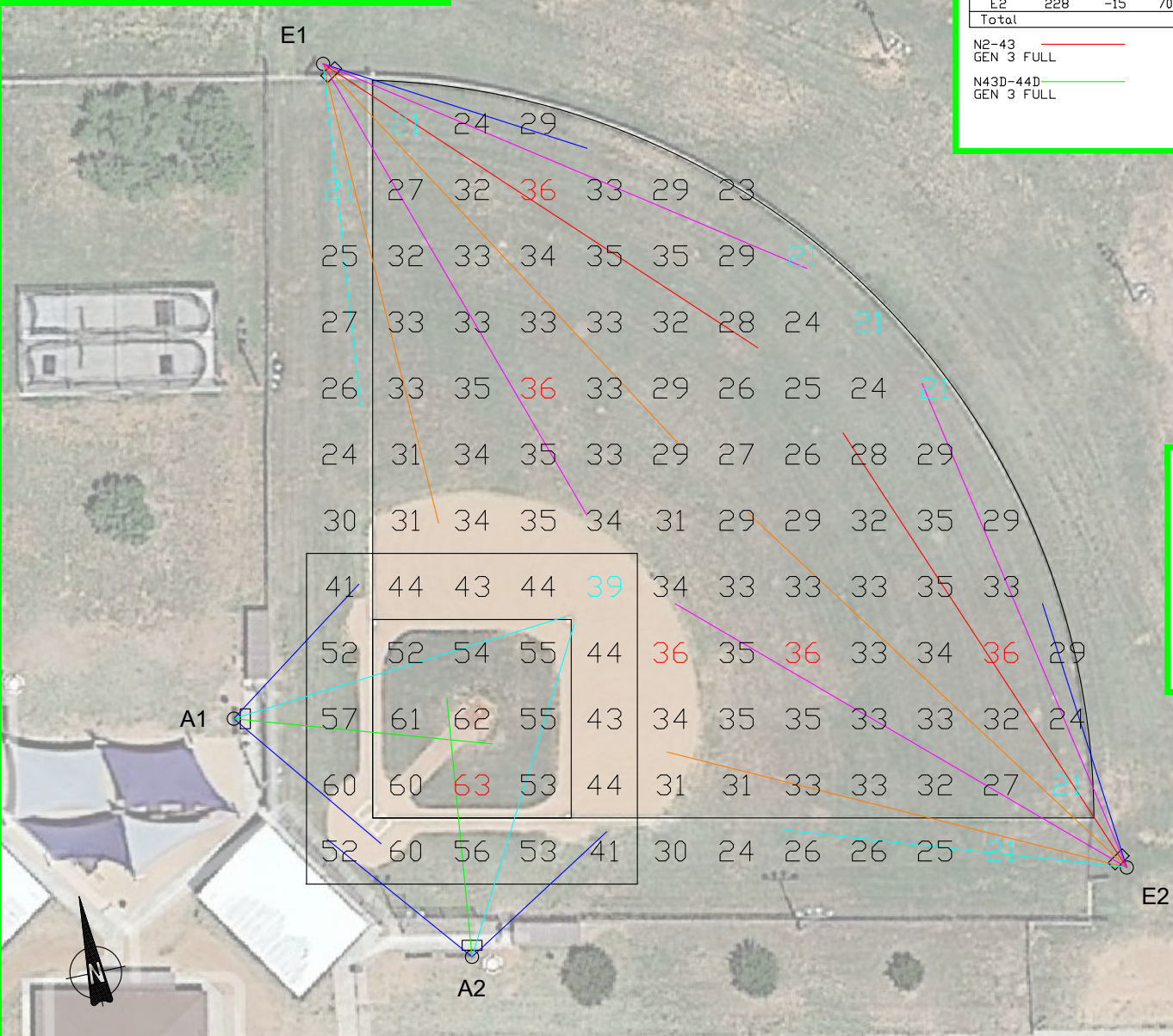
The lighting on Garrett Field (baseball) is original from 1973 and it is not up to current parks and recreation guidelines. The softball field lighting was installed when the fields were constructed in the mid-2000's and currently meets parks and recreation guidelines. Lighting on those fields will be evaluated in the future.

On Wednesday, November 9, 2022, at the request of the City's Parks Department, the Purchasing Department sought out pricing for LED lighting and installation for Garrett Field. The Purchasing department received a cooperative quote in the amount of \$187,516.00 from Qualite Sports Lighting of Hillsdale, Michigan.

Recommendation: Staff recommends that the City Council award the project to Qualite Sports Lighting. Qualite Sports Lighting is a government cooperative member of Buyboard. If approved, this project requires a \$15,000.00 budget amendment.

NOTE: Attachments are provided for your review.

GAMECHANGER™
Q-LED



Pole	x-loc	y-loc	height	N2	N2-43	N2-43(3)	N4x3D	N43D-44D	N4D	Total	kw
A1	-42	30	60ft				1	1	2	4	5.2
A2	30	-42	60ft				1	1	2	4	5.2
E1	-15	228	70ft	2	1	2	1		1	7	9.1
E2	228	-15	70ft	2	1	2	1		1	7	9.1
Total				4	2	4	4	2	6	22	28.6

N2-43 GEN 3 FULL
 N43D-44D GEN 3 FULL
 N4D GEN 3 FULL
 N4x3D GEN 3 FULL
 N2-43(3) GEN 3 FULL
 N2 GEN 3 FULL

223'/219'/218' R Softball
116 points (25 infield, 91 outfield) at z=3, sp 20ft by 20ft
HORIZONTAL FOOTCANDLES

	Outfield	Infield
Average	30	52
Maximum	36	63
Minimum	21	39
Avg:Min	1.43	1.32
Max:Min	1.71	1.62
Coef Var	0.15	0.14
UnifGrad	1.38	1.29

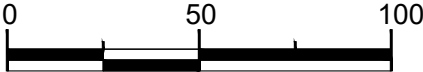
Qualite
 SPORTS LIGHTING, LLC

GC-1200W-C1	QL-22188D1-A
ROY ANDERSON SPORTS COMPLEX - GARRETT FIELD	
BIG SPRINGS, TX	
NP	1"=50'
11/1/22	1 OF 1

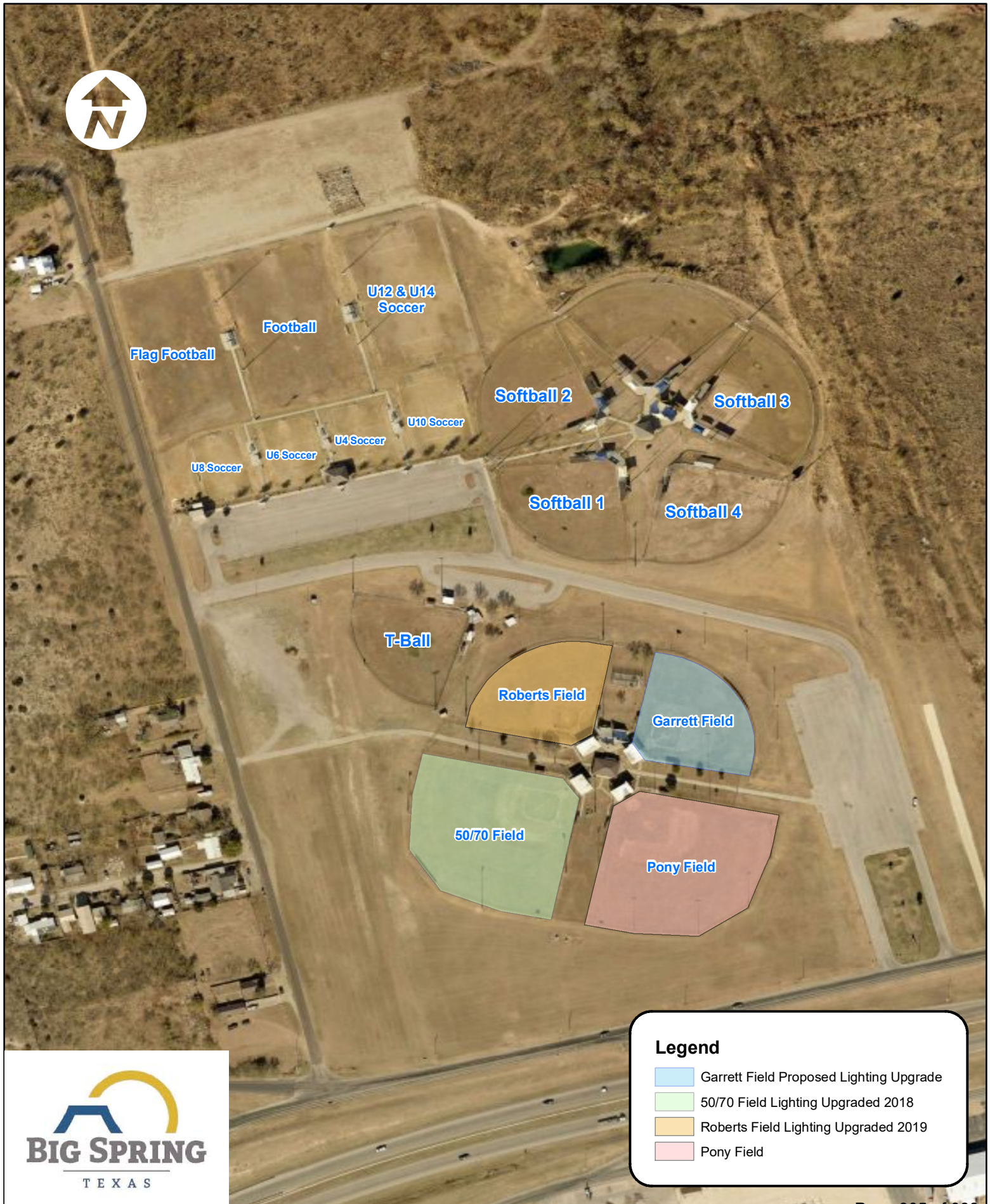
THIS INFORMATION IS CONFIDENTIAL AND PROPRIETARY TO QUALITE SPORTS LIGHTING LLC AND IS NOT TO BE REVEALED OR DISTRIBUTED TO OTHERS WITHOUT THE PERMISSION OF QUALITE SPORTS LIGHTING LLC. OR USED IN ANY MANNER DETRIMENTAL TO THE INTEREST OF QUALITE SPORTS LIGHTING LLC.

GUARANTEE IS BASED ON PROPER INSTALLATION, MINIMUM INPUT VOLTAGES, MOUNTING HEIGHT +/- 3 FEET, AND POLES PLACED WITHIN 4 FEET OF SPECIFIED LOCATIONS. POLES TO COMPLY WITH CURRENT AASHTO STANDARDS

WWW.QUALITE.COM



Proposed Lighting Upgrade Garrett Field



Purchase Agreement

Purchase Agreement Number #: 110722

Sold To: City of Big Springs
310 Nolan St.
Big Springs, Texas 79720

Project: QL#-2218 SF6940 / **Garrett Softball Field**
Roy Anderson Sports Complex
1700 I-20
Big Springs, Texas 79720

Tax Status: Tax Exempt (Exempt Certificate to be provided by Big Springs)

Description of project and Materials to be supplied:

- 50/30 LED design for Softball Field QL#-22188D1-A as attached.
- GameChanger LED lighting system is included.
- Total of 4 poles, direct buried concrete.
- Installation of poles, lighting, controls and necessary electrical.
- 25 year warranty.
- Field audit.
- Each pole to come complete pre-wired down to service disconnect.
- Site Voltage is 480V 3P.

Total cost of this contract.....\$187,516.00

Terms:

- Qualite is requesting a 1/3 deposit for this project.
- Balance net 30 upon invoice. Progress invoicing is allowable.
- Warranty will be activated upon final payment being received.
- Estimated delivery of materials is 8-10 weeks. Allow 3-4 weeks for installation.
- Adequate access to site is assumed.
- Repair to damage to landscape, curbs, pavement, irrigation etc is not included.
- Rock or unforeseen soil conditions is not covered by this contract.

By signing you agree to the terms and conditions within.

Authorized Buyer:

Printed Name: _____, Date: _____

Signature: _____, Title: _____

City of Big Springs
Garrett Field Lighting
Upgrade Proposal for
Roy Anderson Sports Complex

Presented To

Parks and Recreation
Big Springs, Texas



Presented By:

Michael Kiker
Qualite Sports Lighting, LLC.
Sr Vice President
215 W Mechanic St
Hillsdale, MI 49242
(817)565-6680
mkiker@qualite.com

Thank you for considering Qualite for your sports-lighting needs.

Welcome.

We are very excited to offer you Qualite's GameChanger LED sports lighting system for your Sports Complex Lighting Project.

The GameChanger LED is a quality lighting system designed to meet and exceed ***IES lighting standards***. Our system comes complete from the factory pre-wired, factory aimed, and guaranteed to meet and exceed performance requirements. Our LED system offers cost effective maintenance coupled with our complete 25-year warranty.

We have provided information that illustrates the lighting performance, product details as well as a TIPS-USA proposal for a complete turnkey solution.

Thank you for allowing us this opportunity to present our cost-effective lighting solution through our TIPS-USA proposal.

Michael Kiker
Qualite Sports Lighting, LLC.
215 W. Mechanic St
Hillsdale, MI 49242
C: 817-565-6680
e-mail: mkiker@qualite.com
web: www.qualite.com

Lighting Proposal

Overview of Proposal

The Following Proposal Includes a Lighting System designed to meet and exceed IES lighting standards for the Big Springs Field utilizing our LED Gamechanger system designed and manufactured by Qualite Sports Lighting, LLC. This proposal includes equipment delivered to the job site, offloaded, assembled, and installed by Qualite certified installers. This proposal utilizes existing service panel.

Lighting Performance – Meets and Exceeds IES LIGHTING

Softball Field:

Light Level: 50 fc Infield 30 fc outfield average maintained

Uniformity: 1.32:1 Infield 1.43:1 outfield

Coef Var: 0.14

UnifGrad: 1.38 max

Light Level Guarantee: Qualite Guarantees Light levels for full warranty period.

Equipment Included (Qty's provided to meet above guaranteed lighting performance)

- 1200 watt LED GameChanger Lighting System.
- pre-wired stanchion, fixtures pre-aimed. Designed to *150 mph winds*.
- Pole Factory wiring harness.
- *Pole Mounted rotary disconnect on each pole.*
- Concrete direct embedded poles. *60/ 70 ft Mounting height.*
- Poles designed for 90 mph ASCE 7-10 load per IBC.
- Pole foundation design included.
- Wireless Controls included. Mesh network for total control(on/off schedule) of system. Monitoring, etc.

Equipment Installation- By Qualite certified Installer

- Offload Poles and Lighting from delivery truck on site.
- Assembly of poles and lighting.
- Drill foundations.
- Erect assembled, and wire poles.
- Clean up of packaging and construction.
- Deposit of spoils on site.
- Remove existing poles and place on site for customers use.

Associated Electrical Work

- Pricing based on utilizing existing service point.
- Run new PVC conduit to each new pole.
- Install new Copper THHN conductor.
- Install Pole Ground Rod and conductor.
- All necessary equipment for working lighting system.
- Existing Service Panel to be used.
- Install New THHN Copper wire as home run circuits to each pole.
- Install New Wireless Control system.

ROY ANDERSON SPORTS COMPLEX – LED GameChanger SYSTEM

50 / 30 foot candles:

LED Sports Lighting System, Installation and Associated Electrical... ..\$187,516.00

As described above (turnkey) includes 25 yr warranty.

Terms

- Quote is Valid for 30 days.
- Tax is not included in pricing. A tax exempt certificate is required.
- A Credit Application and associated paperwork will be required.
- Order processing is conditional on credit approval.
- A deposit of 50% of proposal is due upon issuance of contract/purchase agreement unless otherwise agreed.
- The contract balance is due no later than 30 days after invoice date.
- Qualite will attempt to coordinate shipment so that delivery corresponds with the customer's payment schedule. We will expect payment within the terms described above unless there is a written statement from Qualite's corporate headquarters stating the acceptance of different terms.
- **Delivery to the job site from the time of order, submittal approval, and confirmation of order details including voltage and phase, pole locations is approximately 30-45 days (non-standard/rush delivery may be available at additional expense). Due to the built-in custom light control per luminaire, pole locations must be confirmed prior to production. Changes to pole locations after order is sent to production may result in additional charges.**
.
- **Qualite Lighting Design 22188D1-A**
- **This proposal includes cost of local permits.**
- **This proposal does not include any power company fees.**
- **Does not included the cost of performance bond. Can be added upon request.**
- All electrical work will be performed by a Texas Licensed electrical contractor.
- Qualite maintains necessary product liability insurance.
- Foundations assume 2000 psi soil. Rock, water, etc. that cause additional foundation design or modification (i.e. rebar, casing, etc.) may require additional charges. Pole locations must be accessible and not obstructed by fencing, buildings, etc.



Memorandum

To: Honorable Mayor, City Council, and City Manager

From: Chad Williams, Chief of Police

Date: November 16, 2022

Subject: Permission to Accept Donation from Broughton Foundation

First, on behalf of the members of the Big Spring Police Department we would like to publicly thank the Broughton Foundation for their continued generosity to the department and investment to the community. The Big Spring Police Department is seeking permission from City Council to accept this donation from the Broughton Foundation in the amount of \$28,798.00.

This donation would be used to purchase a key/equipment locker system. This system allows or limits access to equipment either from fingerprint or retina scan. With the large fleet and amount of equipment that the department has, this would be very beneficial. For example, our Volunteers in Police Services volunteer on weekends and holidays in which administration is not at work and the volunteers may need certain keys or equipment (such as portable radios). This locker system would allow them access to what they needed without needing a supervisor or administrator to give them the access. This system also keeps track of who the equipment was checked out to, should equipment come up missing.

Your consideration in this matter is greatly appreciated.



**COMMUNITY SERVICES
MEMORANDUM**

Date: 12/13/2022
To: Mayor and City Council
Todd Darden, City Manager
From: Hayley Lewis, Community Services Director
Subject: Budget Amendment: Roy Anderson Sports Complex Lighting

At this time, we are respectfully requesting permission to make a budget amendment for Roy Anderson Sports Complex to complete a lighting project at Garrett Field. This project will help update another field's lighting to Parks and Recreation Standards. We budgeted \$175,000 for the project but with inflation, the project will now cost \$187,516.00

Lighting: 002-027-375-6229 adding an additional \$15,000 for a total budget of \$190,000

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AMENDING ORDINANCE NUMBER 038-2022 WHICH ADOPTED THE ANNUAL BUDGET FOR THE CITY OF BIG SPRING, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023 BY INCREASING THE GENERAL FUND BUDGET FOR THE PURPOSE OF ADDITIONAL FUNDING FOR THE ROY ANDERSON SPORTS COMPLEX LIGHTING PROJECT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS the City Council adopted the annual 2022-23 budget for the City of Big Spring, Texas on September 27, 2022 (“Budget”); and

WHEREAS additional funds for lighting project at the Roy Anderson Sports Complex was not included in such Budget; and

WHEREAS the City Council desires to increase the general fund budget in order to complete the Lighting project.

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

SECTION 1. The General Fund Budget of the Annual Budget for the City of Big Spring, Texas for the Fiscal Year beginning October 1, 2022 and ending September 30, 2023 is hereby increased by the amount of \$15,000.00 to the expense account number 002-027-375-6229 for the purpose of additional funding for the Lighting Project at the Roy Anderson Sports Complex. The net increase will be funded through the fund balance.

SECTION 2. The remaining portions of Ordinance Number 038-2022 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 reminder 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 **13th** day of **December, 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 **10th** day of **January, 2023** 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 ORDINANCE NUMBER 038-2022 WHICH ADOPTED THE ANNUAL BUDGET FOR THE CITY OF BIG SPRING, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023 BY INCREASING THE GENERAL FUND BUDGET FOR THE PURPOSE OF PURCHASING A KEY/EQUIPMENT LOCKER SYSTEM FOR THE POLICE DEPARTMENT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS the City Council adopted the annual 2022-23 budget for the City of Big Spring, Texas on September 27, 2022 (“Budget”); and

WHEREAS additional funds for a key/equipment locker system was not included in such Budget; and

WHEREAS the City Council desires to increase the general fund budget in order to purchase a key/equipment locker system for the Police Department.

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

SECTION 1. The General Fund Budget of the Annual Budget for the City of Big Spring, Texas for the Fiscal Year beginning October 1, 2022 and ending September 30, 2023 is hereby increased by the amount of \$28,798.00 to the expense account number 002-011-200-6310 for the purpose of additional funding to purchase a key/equipment locker system for the Police Department. The net increase will be funded through a donation from the Broughton Foundation.

SECTION 2. The remaining portions of Ordinance Number 038-2022 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 reminder 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 **13th** day of **December, 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 **10th** day of **January, 2023** with all members of the Council voting “aye” for the passage of same.

Robert H. Moore III, Mayor

ATTEST:

Tami L. Davis, City Secretary



CITY OF
Big Spring

MEMORANDUM

Date: December 13, 2022

To: Mayor Moore, Big Spring City Council Members and Todd Darden, City Manager

From: Mike Feeley A.A.E., Airport Director

Re: Proposed Budget Amendment to transfer available resources for the acquisition of a utility vehicle for use by Airpark Staff.

Staff is proposing that City Council authorize a budget amendment for the purpose of transferring available resources in the 2022-2023 City Council adopted budget from one capital account to another for the acquisition of a utility vehicle for Airpark. Staff is proposing to acquire a 4 Seat John Deere "Gator" utility vehicle that will be used on airpark property to compliment the existing inventory of maintenance vehicles. The vehicle will be used for grounds maintenance, herbicide application and special events for airpark and other city departments on a loaner basis.

Staff budgeted funds in 410-210-610-6201 which were ear marked for renovations to Fire Station 1. Those renovations were accomplished in FY 2021-2022 using available resources in the building maintenance account. As a result, staff is proposing to use a portion of the budgeted funds for the acquisition of this utility vehicle. The proposed amount is delineated in the attached ordinance as well and it amounts to \$18,701.86 for this proposed improvement.

Staff is in support of this budget amendment.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AMENDING ORDINANCE NUMBER 038-2022 WHICH ADOPTED THE ANNUAL BUDGET FOR THE CITY OF BIG SPRING, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023 BY TRANSFERRING CAPITAL FUNDS WITHIN THE AIRPARK FUND BUDGET FOR THE PURPOSE OF PURCHASING A UTILITY VEHICLE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS the City Council adopted the annual 2022-23 budget for the City of Big Spring, Texas on September 27, 2022 (“Budget”); and

WHEREAS the funds budgeted for the renovations to Fire Station 1 were realized using fiscal year 2021-2022 budget;

WHEREAS the Airpark is requesting to transfer the capital funds for the purchase of a utility vehicle using a portion of the available resources.; and

WHEREAS the City Manager and Finance Director desires to authorize the transfer of capital funds for the purchase of a utility vehicle for the Airpark.

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

SECTION 1. The Airpark Fund Budget of the Annual Budget for the City of Big Spring, Texas for the Fiscal Year beginning October 1, 2022 and ending September 30, 2023 is hereby increasing the amount of \$18,710.00 to the capital account number 410-021-610-6401 (Motor Vehicles) and decreasing the same amount from the capital account number 410-021-610-6201 (Buildings-Special Projects) for the purpose of purchasing a utility vehicle.

SECTION 2. The remaining portions of Ordinance Number 038-2022 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 reminder 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 **13th** day of **December, 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 **9th** day of **January, 2023** with all members of the Council voting “aye” for the passage of same.

Robert H. Moore III, Mayor

ATTEST:

Tami L. Davis, City Secretary



**COMMUNITY SERVICES
MEMORANDUM**

Date: 12/13/2022
To: Mayor and City Council
Todd Darden, City Manager
From: Hayley Lewis, Community Services Director
Subject: Budget Amendment: CVB Dues and Subscriptions

At this time, we are respectfully requesting permission to make a budget amendment for Due and Subscriptions for the Convention and Visitors Bureau Budget. We made a en error during budget sessions and it is recommended to continue to pay the dues and subscriptions to the different organizations that we are a part of, such as Texas Hotel Lodging Association, Texas Association of CVBs, the Big Spring Area Chamber of Commerce, Texas Plains Trail, and the Texas Travel Alliance, as well as any others that help network and further Big Spring as a Tourism Destination.

Dues and Subscriptions: 110-040-560-5540 by adding an additional \$10,600 for a total of \$12,000

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AMENDING ORDINANCE NUMBER 038-2022 WHICH ADOPTED THE ANNUAL BUDGET FOR THE CITY OF BIG SPRING, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023 BY INCREASING THE MOTEL TAX FUND BUDGET FOR THE PURPOSE OF INCREASING THE DUES AND SUBSCRIPTION ACCOUNT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS the City Council adopted the annual 2022-23 budget for the City of Big Spring, Texas on September 27, 2022 (“Budget”); and

WHEREAS an incorrect amount to the CVB Dues and Subscription account funds occurred during the budget process and the increase was not included in such Budget; and

WHEREAS the City Council desires to increase the motel tax fund budget in order to have enough funds for the dues and subscriptions for the Convention and Visitors Bureau.

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

SECTION 1. The Motel Tax Fund Budget of the Annual Budget for the City of Big Spring, Texas for the Fiscal Year beginning October 1, 2022 and ending September 30, 2023 is hereby increased by the amount of \$10,600.00 to the expense account number 110-040-560-5540 (Dues & Subscriptions) for the purpose of increasing the dues and subscriptions account. The net increase will be funded through the fund balance.

SECTION 2. The remaining portions of Ordinance Number 038-2022 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 reminder 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 **13th** day of **December, 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 **9th** day of **January, 2023** 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: December 13, 2022
To: Mayor Robert H. Moore, Big Spring City Council, and Todd Darden, City Manager
From: John Medina, Assistant City Manager
Re: 2022 Budget Amendment – Council Chambers

Recently, City staff discovered an infestation of pigeons in City Council Chambers. The building has since been sealed off so that the pigeons cannot re-enter the building. The infestation caused an accumulation of pigeon waste in the ceilings both upstairs in the apartment and in the area behind the Council Chambers including both restrooms, the hallway, and the custodian closet. Due to the hazardous nature of the waste, it needs to be remediated as soon as possible without contaminating the rest of the building.

The scope of work submitted by Servicemaster describes the complete project that will address each area of contamination. It is anticipated that the project would be complete within ten (10) business days. Upon approval of the budget amendment by the City Council, the project would commence immediately and be complete by the end of the month, well before the next scheduled City Council meeting.

Staff recommends that the budget amendment of \$30,000.00 be approved for this project.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AMENDING ORDINANCE NUMBER 038-2022 WHICH ADOPTED THE ANNUAL BUDGET FOR THE CITY OF BIG SPRING, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023 BY INCREASING THE GENERAL FUND BUDGET FOR THE PURPOSE OF A CLEANUP REGARDING SOME CROSS CONTAMINATION CAUSED BY PIGEONS IN SEVERAL AREAS ABOVE THE CITY COUNCIL CHAMBERS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS the City Council adopted the annual 2022-23 budget for the City of Big Spring, Texas on September 27, 2022 (“Budget”); and

WHEREAS additional funds for the cleanup in the City Council Chambers was not included in such Budget; and

WHEREAS the City Council desires to increase the general fund budget in order to complete the repairs.

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

SECTION 1. The General Fund Budget of the Annual Budget for the City of Big Spring, Texas for the Fiscal Year beginning October 1, 2022 and ending September 30, 2023 is hereby increased by the amount of \$30,000.00 to the expense account number 002-027-420-5311 for the purpose of additional funding for the cleanup needed in the City Council Chambers. The net increase will be funded through the fund balance.

SECTION 2. The remaining portions of Ordinance Number 038-2022 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 reminder 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 **13th** day of **December, 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 **10th** day of **January, 2023** with all members of the Council voting “aye” for the passage of same.

Robert H. Moore III, Mayor

ATTEST:

Tami L. Davis, City Secretary

SCOPE OF WORK

servicemasterrestore.com/commercial



SCOPE OF WORK: CITY OF BIG SPRING, TEXAS COUNCIL CHAMBER BUILDING

Service Address:

310 W Nolan St

City: Big Spring

State: Texas

Zip: 79720

Submitted to: Sandy Smith

Title: Director of City Finance

Email:

Phone: 432-268-3048

Submitted By: ServiceMaster by A-Town Hi-Tech

Name: Jonathan Jeter

Email: jjeter@smabitx.com

Phone: 325-513-0790

INTRODUCTION

Conducted site evaluation. Point of entry Male restroom. Open ceiling area above the grid continued across the female restroom as well. Primary nesting area for pigeons. The Remainder of the first floor has been cross contaminated by movement into and out of restrooms. Odor in the main chamber and chamber adjacent areas. Second floor stairwell directly adjacent to restrooms. Cross contamination into

SCOPE OF WORK

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second story living areas will require remediation. Cleaning of the entire structure will provide the best possible solution to the issue. Also cleaning insure the safety of all visitors and staff

CURRENT STATUS.

Restrooms male and female are directly infected, Counsel Chamber and chamber adjacent areas odor present, second floor stairwell and second floor odor present.

BUILDING SERVICES

All MEPs are functional. Will utilize existing plumbing for cleaning. Will turn off HVAC and create negative air during cleaning. Will clean HVAC ductwork.. Current building electrical system will meet needs for cleaning.

SCOPE OF WORK

First Floor

Male Bathroom

- Remove mirror and stalls
- Build containment around walls and floors
- Implement negative air machines
- Remove ceiling tiles
- Hepa vacuum
 - cavity space above 1st floor ceiling
 - ceiling grid
 - mirror and stalls
 - walls
 - floors
- Wipe Down
 - cavity space above 1st floor ceiling
 - ceiling grid
 - mirror and stalls
 - walls
 - floors
- Disinfect all surfaces
- Take down containment
- Reinstall mirror and stalls

Female Restroom

SCOPE OF WORK

servicemasterrestore.com/commercial

- Remove mirror and stalls
- Build containment around walls and floor
- Implement negative air machines
- Remove ceiling tiles
- Hepa vacuum
 - ceiling
 - contents
 - walls
 - windows
 - floors
- Wipe Down
 - ceiling
 - contents
 - walls
 - windows
 - floors
- Ozone/Deodorize

Back Hallway

- Build a Decontamination chamber (to control cross contamination).
- Hepa vacuum
 - ceiling
 - walls
 - floors
- Wipe Down
 - ceiling
 - walls
 - floors
- Ozone/Deodorize
- Wipe down decontamination chamber and remove.

Custodial Room

- Hepa vacuum
 - ceiling
 - contents
 - walls

SCOPE OF WORK

servicemasterrestore.com/commercial

- floors
- Wipe Down
 - ceiling
 - contents
 - walls
 - floors
- Ozone/Deodorize

Mechanical Room

- Hepa vacuum
 - ceiling
 - contents
 - walls
 - floors
- Wipe Down
 - ceiling
 - contents
 - walls
 - floors
- Ozone/Deodorize

Chamber discussion room

- Hepa vacuum
 - ceiling
 - contents
 - walls
 - floors
- Wipe Down
 - ceiling
 - contents
 - walls
 - floors
 - chairs
 - table
 - kitchen area counters and cabinets
- Ozone/Deodorize
- Clean carpet

Main chamber hall

SCOPE OF WORK

servicemasterrestore.com/commercial

- Hepa vacuum
 - ceiling
 - contents
 - walls
 - floors
- Wipe Down
 - ceiling
 - contents
 - walls
 - floors
 - chairs
 - benches
 - chamber member seating assembly
- Ozone/Deodorize
- Clean carpet

Storage room

- Hepa vacuum
 - ceiling
 - contents
 - walls
 - floors
- Wipe Down
 - ceiling
 - contents
 - walls
 - floors
- Ozone/Deodorize
- Clean carpet

Second floor stairwell

- Hepa vacuum
 - ceiling
 - contents
 - walls
 - floors
- Wipe Down
 - ceiling
 - contents

SCOPE OF WORK

servicemasterrestore.com/commercial

- walls
 - floors
- Ozone/Deodorize
- Clean carpet

Main sleeping area 1

- Hepa vacuum
 - ceiling
 - contents
 - walls
 - floors
- Wipe Down
 - ceiling
 - contents
 - walls
 - floors
- Ozone/Deodorize
- Clean carpet

Bedroom 2

- Hepa vacuum
 - ceiling
 - contents
 - walls
 - floors
- Wipe Down
 - ceiling
 - contents
 - walls
 - floors
- Ozone/Deodorize
- Clean carpet

Small hall

- Hepa vacuum
 - ceiling
 - contents
 - walls

SCOPE OF WORK

servicemasterrestore.com/commercial

- floors
- Wipe Down
 - ceiling
 - contents
 - walls
 - floors
- Ozone/Deodorize
- Clean carpet

Bathroom 1

- Hepa vacuum
 - ceiling
 - contents
 - walls
 - floors
- Wipe Down
 - ceiling
 - contents
 - walls
 - floors
- Ozone/Deodorize

Bathroom 2

- Hepa vacuum
 - ceiling
 - contents
 - walls
 - floors
- Wipe Down
 - ceiling
 - contents
 - walls
 - floors
- Ozone/Deodorize

Office

SCOPE OF WORK

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- Hepa vacuum
 - ceiling
 - contents
 - walls
 - floors
- Wipe Down
 - ceiling
 - contents
 - walls
 - floors
- Ozone/Deodorize

Living Room

- Hepa vacuum
 - ceiling
 - contents
 - walls
 - floors
- Wipe Down
 - ceiling
 - contents
 - walls
 - floors
- Ozone/Deodorize
- Clean carpet
- Clean Sofa

Main hall

- Hepa vacuum
 - ceiling
 - contents
 - walls
 - floors
- Wipe Down
 - ceiling
 - contents
 - walls
 - floors
- Ozone/Deodorize

SCOPE OF WORK

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- Clean carpet

Bedroom 3

- Hepa vacuum
 - ceiling
 - contents
 - walls
 - floors
- Wipe Down
 - ceiling
 - contents
 - walls
 - floors
- Ozone/Deodorize
- Clean carpet

Dining room

- Hepa vacuum
 - ceiling
 - contents
 - walls
 - floors
- Wipe Down
 - ceiling
 - contents
 - walls
 - floors
- Ozone/Deodorize
- Clean cabinets and counter

Storeage 2

- Hepa vacuum
 - ceiling
 - contents
 - walls
 - floors
- Wipe Down

SCOPE OF WORK

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- ceiling
 - contents
 - walls
 - floors
- Ozone/Deodorize
- Clean carpet

Storage 3

- Hepa vacuum
 - ceiling
 - contents
 - walls
 - floors
- Wipe Down
 - ceiling
 - contents
 - walls
 - floors
- Ozone/Deodorize
- Clean carpet

TERMS OF WORK

Business hours 8:00 AM to 5:00 PM – Biohazard cleaning and Disinfecting

FLOW OF WORK

- Travel to job site by 8:15am
- Arrive to job site by 9:00am
- Safety meeting
- Work to be performed in order listed above (unless otherwise noted)

PROJECT SUGGESTED SCHEDULE

The daily work schedule will be as follows:

SCOPE OF WORK

servicemasterrestore.com/commercial

Start and end times may be modified to depending on the recovery schedule

8:00 AM – 5:00PM

Work is scheduled based on 10 days of work

HEALTH AND SAFETY

A daily safety meeting will be held by ServiceMaster Restore staff for all workers. All staff and laborers will be required to wear steel toed footwear, tyvek coveralls, full face respirator with hepa cartridges, and nitrile gloves at the minimum while on site.

QUALITY ASSURANCE

One very important aspect of this project is to implement procedures that will ensure good management and the delivery of a high-quality service in the minimum amount of time. Below are some of the steps that will be taken:

- A. Shifts will be based on working shifts described above for laborers. Supervisors and management will work before and after each labor shift for administrative and preparatory reasons.
- B. Crews will work each day in a well-defined contiguous work zone. This zone will be completely finished before moving to another area. This will increase both quality and supervisory control.
- C. Once a section has been cleaned the Project Supervisor will be notified. The Project Manager will inspect the area before authorizing the cleaning crew to move to a new area.

ACKNOWLEDGEMENTS

- A. ServiceMaster Restore requests that a designated representative for all communications between all parties is appointed. Daily meetings are held to discuss progress, changes in priorities or pertinent project information.
- B. ServiceMaster Restore will require an area in which a supply and equipment distribution can be maintained.
- C. ServiceMaster Restore will coordinate entrance / exit and security procedures with the appropriate contact person as needed.
- D. All ServiceMaster Restore non-management personnel will be badged and/or uniformed for identification purposes.
- E. This scope of work is for the building interior

SCOPE OF WORK

servicemasterrestore.com/commercial

- F. ServiceMaster Restore, unless otherwise specified, will provide all equipment and materials necessary to complete this project.
- G. All work and services provided in this scope of services are based on the initial inspections of the damage. Due to unknowns in dealing with losses of this nature, some procedures and the nature of the effort may require adjustment as the job is processed. All services are intended to be accomplished under best effort circumstances.

PRICING

Range of Mediation- \$25,000.00 - 30,000 *280*

Note: The above estimate is for planning purposes and is a serious attempt to provide a number for budgeting purposes. There may be additional damages revealed as restoration activities progress.

Terms

Please see the executed Commercial Service Agreement for payment terms. In the event that a Commercial Service Agreement is not executed on this specific project, ServiceMaster Restore will submit an invoice for payment every 14 days. Payment is due net 10 days from the date of each invoice.

If a prevailing wage or collective bargaining agreement or other labor cost is imposed at any time before, during or after the project is completed, ServiceMaster Restore shall be entitled to an equitable adjustment to the contract price.

The prices contained in this estimate are exclusive of any federal, state or local taxes, approvals, consents, permits, and licenses and orders incident to performance of the work. ServiceMaster Restore shall be compensated for any additional costs incurred which are described above on the basis of ServiceMaster Restore actual costs incurred for such items if not notified of these requirements prior to the acceptance of a service contract between the parties.

*SUBJECT TO WORK ORDER MODIFICATIONS -
WORK WILL RESULT IN SEPARATE BID -
J. McDaniel GARY McDaniel
Sandy Smith
12/02/2022*



SCOPE OF WORK

servicemasterrestore.com/commercial

CONCLUSION

On behalf of ServiceMaster Restore by A-Town Hi-Tech, we wish to thank you for allowing us this opportunity to participate in the recovery of your facility. In the light of such a disaster, it is our sincere desire to provide the finest in restoration and business recovery services to allow you to resume your business as quickly as possible.

Respectfully Submitted,

ServiceMaster by A-Town Hi-Tech



MEMORANDUM

Date: November 29, 2022
To: Mayor Robert H. Moore, Big Spring City Council, and Todd Darden, City Manager
From: John Medina, Assistant City Manager
Re: Enterprise 2022-23

Every year during the budget process we evaluate vehicle maintenance and fuel costs. In an effort to address rising costs and issues with vehicle availability, we utilized the Enterprise lease program in the 2021-22 budget. Unfortunately, supply chain issues impeded the progress of that program and, due to the low availability of vehicles, the City was only able to acquire six vehicles through the Enterprise lease program.

This year we budgeted funds to directly purchase vehicles through cooperative programs and dealerships. We were successful in purchasing four police Interceptors using the direct buy method (sealed bids). The issue we encountered while trying to purchase other vehicles is low availability of commercial grade vehicles and no government incentives.

We were contacted by Enterprise regarding cancelled orders from other customers. Enterprise is nationwide company that can use its influence to acquire vehicles at a better price. By using Enterprise, the City was able to locate vehicles that were on the ground and ready to ship. Administration has determined that the opportunity to lease/purchase the budgeted vehicles is in the City's best interest. By paying 50% down and leasing for three (3) years, we were able to purchase two additional vehicles.

Staff is seeking city council approval for a budget amendment to reduce funding from 6401 capital accounts and increasing 5515 leasing operations accounts. An attachment has been provided for your review.

BUDGETED CAPITAL & IMPROVEMENTS
Fiscal Year 2022-2023
Fleet Vehicles

Dept#				Quant	Budget	Original Price of Vehicle	50% Down	Monthly Rental Payment for 1 Vehicle	Payments FY 22-23 9 months	Payments FY 23-24	Payments FY 24-25	Payments FY 25-26 3 months	Total Lease Cost
140	IT	Toyota Tacoma	1/4 Ton Pickup	1	30,000.00	30,915.54	17,895.52	304.55	2,740.95	3,654.60	3,654.60	913.65	28,859.32
240	Animal Control	Ford F-150 8' Box	1/2 Ton Pickup	1	44,880.00	40,983.50	20,382.50	469.13	4,222.17	5,629.56	5,629.56	1,407.39	37,271.18
300	Code Enforcement	Ford F-150 6.5' box	1/2 Ton Pickup	3	90,000.00	102,235.50	50,790.00	399.86	10,796.22	4,798.32	4,798.32	1,199.58	72,382.44
310	Maintenance	Ram 1500 8' box	1/2 Ton Pickup	1	40,000.00	33,943.19	16,587.35	365.67	3,291.03	4,388.04	4,388.04	1,097.01	29,751.47
320	Streets/Not in Budget	Ford F-150 6.5' box	1/2 Ton Pickup	1	-	34,078.50	16,930.00	399.86	3,598.74	4,798.32	4,798.32	1,199.58	31,324.96
330	Sanitation - not in budget	Ram 1500 8' box	1/2 Ton Pickup	1	-	33,943.19	16,587.35	365.67	3,291.03	4,388.04	4,388.04	1,097.01	29,751.47
370	Parks	Ford F-150 6.5' box	3/4 Ton Pickup	1	27,006.00	32,312.26	16,046.88	379.65	3,416.85	4,555.80	4,555.80	1,138.95	29,714.28
610	Airpark	Ford F-150 6.5' box	1/2 Ton Pickup	2	60,000.00	68,157.00	33,860.00	399.86	7,197.48	4,798.32	4,798.32	1,199.58	51,853.70
610	Airpark	Ford F-250 8' box	3/4 Ton Pickup	1	35,000.00	42,805.00	21,405.50	539.85	4,858.65	6,478.20	6,478.20	1,619.55	40,840.10
710	D&C	Ford F-250 8' box	3/4 Ton Pickup	1	50,000.00	58,084.50	28,783.00	632.60	5,693.40	7,591.20	7,591.20	1,897.80	51,556.60
735	Water Office	Toyota Tacoma	1/4 Ton Pickup	3	90,000.00	92,746.60	53,686.56	304.55	8,222.85	3,654.60	3,654.60	913.65	70,132.26
735	Water Office	Ram 1500 8' box	1/2 Ton Pickup	1	-	33,943.19	16,587.35	365.67	3,291.03	4,388.04	4,388.04	1,097.01	29,751.47
Total:				17	466,886.00	604,147.97	309,542.01		60,620.40	59,123.04	59,123.04	14,780.76	503,189.25

Budget Amendment			
	6311	5515	
140	002-002-140-	IT	(20,636.47) 20,636.47
240	002-011-240-	Animal Control	(24,604.67) 24,604.67
300	002-021-300-	Code Enforcement	(61,586.22) 61,586.22
310	002-021-310-	Maintenance	(19,878.38) 19,878.38
320	002-022-320-	Streets/Not in Budget	(20,528.74) 20,528.74
330	445-025-330-	Sanitation - not in budget	(19,878.38) 19,878.38
370	002-027-370-	Parks	(19,463.73) 19,463.73
610	410-021-610-	Airpark	(41,057.48) 41,057.48
610	410-021-610-	Airpark	(26,264.15) 26,264.15
710	405-021-705-	D&C	(34,476.40) 34,476.40
735	405-002-735-	Water Office	(61,909.41) 61,909.41
735	405-002-735-	Water Office	(19,878.38) 19,878.38
			(370,162.41) 370,162.41

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AMENDING ORDINANCE NUMBER 038-2022 WHICH ADOPTED THE ANNUAL BUDGET FOR THE CITY OF BIG SPRING, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023 BY TRANSFERRING CAPITAL FUNDS INTO EXPENSE ACCOUNTS FOR THE PURPOSE OF LEASING VEHICLES THROUGH THE ENTERPRISE LEASE PROGRAM FOR VARIOUS DEPARTMENTS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS the City Council adopted the annual 2022-23 budget for the City of Big Spring, Texas on September 27, 2022 (“Budget”); and

WHEREAS the city is not purchasing vehicles the funds need to be transferred from the capital accounts to the appropriate expense accounts of various departments; and

WHEREAS the City Manager and Finance Director desires to authorize the transfer of these funds from the capital accounts to the expense accounts.

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

SECTION 1. The Annual Budget for the City of Big Spring, Texas for the Fiscal Year beginning October 1, 2022 and ending September 30, 2023 is hereby increasing various expense accounts by the amount of \$370,162.41 and decreasing the same amount from the capital accounts (See Memo & Spreadsheet) for the purpose of leasing vehicles through the Enterprise Lease Program.

SECTION 2. The remaining portions of Ordinance Number 038-2022 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 reminder 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 **13th** day of **December, 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 **10th** day of **January, 2023** 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 THE BIG SPRING CITY CODE, CHAPTER 48, "TRAFFIC AND VEHICLES" ARTICLE VI "WRECKERS,," BY RENAMING THE ARTICLE "TOW TRUCKS," AND AMENDING THE ARTICLE TO ADJUST TOWING FEES, MODIFY REGULATIONS, SET PENALTIES; PROHIBIT VIOLATIONS OF THE ARTICLE; PROVIDE FOR HEARINGS; AND LIFT SUSPENSIONS OF ANY TOWING COMPANIES ISSUED PRIOR TO THE EFFECTIVE DATE OF THE ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, federal law does not preempt "... the authority of a State or a political subdivision of a State to enact or enforce a law, regulation, or other provision relating to the regulation of tow truck operations performed without the prior consent or authorization of the owner or operator of the motor vehicle," 49 U.S.C. § 14501(c)(2)(C); and

WHEREAS, a political subdivision of the State of Texas may regulate the operation of a tow truck under the limitations of state law, Section 2308.201, Texas Occupations Code; and

WHEREAS, a political subdivision may regulate and require licensing of motor vehicles for compensation under Section 502.003, Texas Transportation Code; and

WHEREAS, the City of Big Spring is a home rule city; and

WHEREAS, the City of Big Spring is a political subdivision of the State of Texas; and

WHEREAS, the City Council of Big Spring is the governing body of the City of Big Spring; and

WHEREAS, Council intends that this ordinance and Article VI, "Tow Trucks," Chapter 48, "Traffic and Vehicles," Big Spring City Code as codified be fully authorized by state law and the City of Big Spring's home rule authority; and

WHEREAS, City Council adopts this ordinance to protect public health and safety, ensure limited response times to accident scenes and reduce the probability that residents of the City will need to travel to distant locales to retrieve their vehicles;

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

SECTION 1. Section 48-186 is moved from Article V, "Vehicle Impoundment," Chapter 48, "Traffic and Vehicles," Big Spring City Code, to Article VI, "Wreckers," Chapter 48, "Traffic and Vehicles."

SECTION 2. Article VI, “Wreckers,” Chapter 48, “Traffic and Vehicles,” Big Spring Code is hereby renamed “Tow Trucks.”

Big Spring City Code

Chapter 48 – Traffic and Vehicles

ARTICLE VI. ~~WRECKERS~~ TOW TRUCKS

SECTION 3. Article VI, “Tow Trucks,” Chapter 48, “Traffic and Vehicles,” Big Spring City Code is amended to read to read in its entirety as follows.

Big Spring City Code

Chapter 48 – Traffic and Vehicles

ARTICLE VI. TOW TRUCKS

SECTION 48-186. GENERALLY

(a) Applicability. The prohibitions and requirements of this article apply to all tow trucks operated within the City of Big Spring engaged in police tow.

(b) Driving tow trucks to scene of collision. No person shall drive or cause to be driven a tow truck to or near the scene of an accident on a public roadway unless such person has been called to the scene by the police communications center or its authorized agent for a police tow or by a party involved in the accident.

(c) Violators of any of the provisions of this article shall be subject to the administrative action set out herein

(d) Excluded. The prohibitions and requirements of this article shall not apply to any person who necessarily must act immediately to prevent death or bodily injury to any person involved in an accident. A vehicle may be pushed or towed by vehicle other than a permitted tow truck only when it does not reasonably require removal by a tow truck, but only when it may be done in a safe and legal manner.

SECTION 48-187. DEFINITIONS.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accident means any occurrence which renders a vehicle wrecked or disabled as defined by this section.

Chief of Police means the Chief of Police for the City of Big Spring or the Chief’s designee.

City Manager means the City Manager for the City of Big Spring or the Manager's designee.

Consent tow means any tow of a vehicle in which the tow truck is summoned by the owner or operator of the vehicle or by a person who has possession, custody, or control of the vehicle. The term does not include an incident management tow or a private property tow.

Disabled means the status of any vehicle which had been rendered unsafe to be driven upon the streets as the result of some occurrence other than a wreck, including but not limited to mechanical failures or breakdowns, fire, the elements, or vandalism, so as to reasonably necessitate that such vehicle be removed by a tow truck.

Incident management tow means any tow of a vehicle in which the tow truck is summoned by a peace officer to the scene of a traffic accident or to an incident, including the removal of a vehicle, commercial cargo, and commercial debris from an accident or incident scene.

Non-consent tow means any tow of a vehicle that is not a consent tow, including an incident management tow and a private property tow initiated by the police department by contacting the city's contracted tow truck, if applicable, or a tow company from the tow company rotation list to remove said vehicle.

Permit means a permit issued by the City of Big Spring to a towing company to perform police tows.

Permit holder means a towing company permitted by the City of Big Spring to perform police tows.

Police Department means the City of Big Spring Police Department and its officers, authorized employees, and agents.

Police tow means an incident management tow or tow of a vehicle such as an abandoned, stolen or illegally parked vehicle, or a vehicle required to be towed in connection with a custodial arrest. A police tow is one initiated when the Police Department calls a permit holder from a tow rotation list.

Private property tow means any tow of a vehicle authorized by a parking facility owner without the consent of the owner or operator of the vehicle. Private property towing permit refers to a state-issued permit required for a tow truck used to perform a non-consent tow authorized by a parking facility owner. A tow truck permitted for this type of tow may also be used for consent towing, but not for incident management towing, in accordance with Texas Occupations Code, § 2308.104.

Public roadway means a public street, alley, road, right-of-way, or other public way, including paved and unpaved portions of the right-of-way.

Rotation list means a list prepared by the City of Big Spring Police Department in accordance with the provisions of this article for rotating the use of tow company permit holders called for police tows.

State means the State of Texas and its offices, departments, and agencies.

Towing company means an individual, association, corporation, or other legal entity that controls, operates or directs the operation of one (1) or more tow trucks over a public highway in Texas but does not include a political subdivision of the State.

Tow truck means a motor vehicle, including a wrecker, equipped with a mechanical device used to tow, winch, or otherwise move another vehicle.

Vehicle means a device in, on or by which a person or property may be transported on a public roadway. The term includes an operable or inoperable automobile, truck, motorcycle, recreational vehicle, or trailer but does not include a device moved by human power or used exclusively on a stationary rail or track.

Vehicle owner means a person:

- (a) Named as the purchaser or transferor in the certificate of title issued for the vehicle under Chapter 501 of the Texas Transportation Code;
- (b) In whose name the vehicle is registered under Chapter 502 of the Texas Transportation Code, or a member of the person's immediate family;
- (c) Who holds the vehicle through a lease agreement;
- (d) Who is an unrecorded lienholder entitled to possess the vehicle under the terms of a chattel mortgage; or
- (e) Who is a lienholder holding an affidavit of repossession and entitled to repossess the vehicle.

Vehicle storage facility means a vehicle storage facility, as defined by Section 2303.002 of Chapter 2303 of the Texas Occupations Code that is operated by a person who holds license issued under Chapter 2303 to operate the facility.

~~Chief of police means the chief of the city police department or his appointed representative.~~

~~Motor vehicle includes every vehicle which is self-propelled.~~

~~Non-consent tows means a tow initiated by the police department by contacting the city's contracted wrecker, if applicable, or a wrecker company from the wrecker rotation list to remove a wrecked or disabled vehicle, when the driver is absent, incapable of or refuses to indicate a choice of wrecker company.~~

~~Police department means the police department of the city.~~

~~Wrecked means the status of any vehicle that has been damaged as a result of an accident so as to reasonably require that such vehicle be removed by a wrecker.~~

Wrecker business means the business of towing or removing abandoned, disabled or wrecked motor vehicles from the public streets, regardless of whether the purpose of towing is to remove, repair, wreck, store, trade or purchase such disabled or wrecked vehicles.

Wrecker company means a company, firm or person engaged in the wrecker business.

Wrecker rotation list means the list maintained by the police department of wrecker companies with a valid wrecker rotation permit.

Vehicle includes every device in or by which any person or property is or may be transported or drawn upon a public highway, except devices moved only by human power or used exclusively upon stationary rails or trucks, including trailers and semi-trailers.

SECTION 48-188. TOW FEE STUDY. PENALTIES.

When establishing or amending the allowable fees for incident management tows, the amounts shall represent the fair value of the services of a towing company and shall be reasonably related to financial or accounting information provided to the City by the company. If a towing company requests that a tow fee study be performed in accordance with Texas Occupations Code, § 2308.203, the City establishes the following procedures:

- (a) The Chief of Police shall request financial records from the requesting towing company as they relate to vehicle insurance, registrations and operating costs.
- (b) The Chief of Police shall obtain current fuel prices.
- (c) The Chief of Police shall review towing fees from other cities of similar population.
- (d) The Chief of Police shall submit a recommendation to the City Manager for action.
- (e) Recommended increases over twenty-five (25) percent shall be submitted to the City Council for consideration.

Violators of any of the provisions of this article shall be subject to the administrative action set out herein and, in addition, shall be guilty of a misdemeanor.

SECTION 48-189. CONTRACTED TOW WRECKER SERVICE

The city may contract with a tow company to provide towing services for the city under such terms and conditions as the city manager deems necessary and appropriate. Such contract may provide terms and rates for tow services to be provided to the city for city-owned or -operated vehicles. If the contracted tow company is to perform non-consent tows in lieu of a tow company rotation list, the contract must also require that the contracted tow company at a minimum, will meet all conditions required for a tow company rotation permit and such additional requirements as the city deems necessary and appropriate.

The city may contract with a wrecker company to provide wrecker services for the city under such terms and conditions as the city manager deems necessary and appropriate. Such contract

may provide terms and rates for wrecker services to be provided to the city for city-owned or-operated vehicles. If the contracted wrecker is to perform non-consent tows in lieu of a wrecker rotation list the contract must also require that the contracted wrecker at a minimum will meet all conditions required for a wrecker rotation permit and such additional requirements as the city deems necessary and appropriate.

SECTION 48-190. TOW COMPANY WRECKER SELECTION PROCESS.

(a) Owner or Operator Designation of Tow Company. When a police officer investigating an accident collision determines that any vehicle which has been involved in a collision or accident upon a public roadway is unable to proceed safely under its own power, or when the owner or operator of a vehicle is physically unable to drive such vehicle or if a vehicle in safe condition must be removed from a public roadway, such officer shall request the owner or operator to designate in writing or while being recorded, the person or tow company the owner or operator desires to remove the vehicle. Said tow company must have a valid tow license and valid rotation permit issued under this article. When the owner has designated the towing company desired, the police officer shall communicate that fact to dispatch and the person receiving the communication at police communications shall call the designated company to send a tow truck to the scene of the accident, disabled vehicle, incident or arrest, making it clear that it was at the owner's request.

(b) Failure or inability to designate a tow company or arrested driver. In the event the owner of a vehicle described in subsection (a) of this section is physically unable to designate the tow company desired or refuses to designate one, the investigating officer shall communicate that fact immediately to dispatch who will then contact the designated on-call company to send a tow truck to the scene of the accident or collision. The officer also has discretion to call for a non-consent tow if the driver of the vehicle is taken into police custody. In the case of an abandoned motor vehicle, as described in Section 683.002, Texas Transportation Code, the procedure for handling abandoned motor vehicles shall be governed by said statute in addition to the provisions of this article.

(a)—— Designation of wrecker company. When a police officer investigating an accident collision determines that any vehicle which has been involved in a collision or accident upon a public street is unable to proceed safely under its own power, or when the owner or operator of a vehicle is physically unable to drive such vehicle or if a vehicle in safe condition must be removed from a public highway, such officer shall request the owner or operator to designate in writing or while being recorded, the person or wrecker company the owner or operator desires to remove the vehicle. When the owner has designated the wrecker company desired, the police officer shall communicate that fact to dispatch and the person receiving the communication at the police department shall call the designated company to send a wrecker to the scene of the accident, collision or arrest.

(b) — Recommendation by city employee prohibited. No city employee including a police officer investigating or present at the scene of any wreck, accident or collision on a public street, or in any other situation where a vehicle needs to be towed, shall, directly or indirectly, either by word, gesture, sign or otherwise recommend to any person the name of any particular person or company engaged in the wrecker service or repair business; nor shall any such employee influence or attempt to influence in any manner the decision of any person in choosing or selecting a wrecker or repair service, provided that, if a police officer observes a window sticker or other written material on or about the vehicle which purports to indicate the owner or operator's preference for a specific wrecker company, the police officer may ask the owner or operator of the vehicle if the sticker or other written material indicates such person's choice of wrecker company, however, the police officer shall not be obligated to do so. It is further provided that any police officer, in the exercise of official discretion, may direct that any vehicle shall be taken by the driver of the wrecker towing the vehicle directly to the police station or to any other place the officer may designate, to be held by the city for any lawful purpose.

(c) — Solicitation of wrecker business prohibited on public streets. No person shall solicit in any manner, directly or indirectly on the public streets of the city, wrecker business involving a vehicle wrecked on said streets. This prohibition applies regardless of whether the solicitation is for the business of towing, repairing, wrecking, towing, trading, selling or purchasing said wrecked vehicle. The presence of a wrecker at the scene of a collision or arrest or abandoned vehicle when such wrecker was not called by the city or a party to the collision or arrest, shall be prima facie proof of violation of this section.

(d) — Failure or inability to designate a wrecker company or arrested driver. In the event the owner or operator of a vehicle involved in an accident or collision is physically unable to designate the wrecker company desired, or refuses to designate one, the investigating officer shall communicate the fact immediately to the police department headquarters. The officer also has discretion to call for a non-consent tow if the driver of the vehicle is taken into police custody. The police department shall then contact the city's contracted wrecker if there is a current contract for non-consent tows pursuant to section 48-190, or the wrecker company currently at the top of the wrecker rotation list.

(e) — Response times. In the event that a wrecker company designated by the owner of the vehicle or called by the police department from the city's contract or the wrecker rotation list is contacted to respond to a scene, the wrecker company shall proceed immediately to the scene where it is directed and, absent extenuating circumstances, shall be given a period of 25 minutes in which to reach the location. If the company answering the call has not reached the location within 25 minutes, the officer at the scene has discretion to call the contracted or rotation list wrecker if the original wrecker was designated by the owner or to call the next wrecker company on the wrecker rotation list if the originally called wrecker was at the top of the wrecker rotation list. The second called wrecker company shall then have priority over the call. Failure to comply with these response times may result in removal of a company from the wrecker rotation list or be considered a breach of contract for the city's contracted wrecker. An exception may be made where the called wrecker company advised the officer requesting the wrecker service that they

will be unable to take the call or in the case of a delay beyond the control of the wrecker company or its employees.

(f) — Discretion of police department. In order to protect the public health and safety, a police officer on scene at any situation necessitating wrecker service shall at all times retain the sole discretion to determine the type (standard or heavy-duty) of wrecker suitable and/or the need for any other specialized wrecker for any particular situation.

(g) — Cleanup and removal of debris. Any wrecker company called to the site of an accident shall completely remove all broken glass and debris from the public street before leaving the accident scene. All accident debris shall be disposed of in accordance with state and local sanitation laws and shall not be disposed of in a manner that will allow it to reach the gutters or storm sewers or to remain on the public right-of-way or any property not belonging to the wrecker company unless lawfully disposed of with the consent of the property owner.

SECTION 48-191. TOW COMPANY WRECKER ROTATION LIST.

If the city does not have a current contract with a tow company to perform all non-consent tows pursuant to section 48-190, the police department shall maintain a tow company rotation list for use when non-consent tows are necessary. The list shall contain the name and address of each tow company that has been issued a tow rotation permit by the police department. Each tow company on the list will be utilized as the "on call" tow company for rotating periods of two weeks. Each tow company on the list is responsible for keeping contact information up to date.

If the city does not have a current contract with a wrecker company to perform all non-consent tows pursuant to section 48-190, the police department shall maintain a wrecker rotation list for use when non-consent tows are necessary. The list shall contain the name and address of each wrecker company that has been issued a wrecker rotation permit by the police department. Each wrecker company on the list will be utilized as the "on call" wrecker for rotating periods of two weeks. Each wrecker company on the list is responsible for keeping contact information up to date.

(1) — Application for wrecker rotation permit. Any wrecker company desiring to be placed on the wrecker rotation list shall make application for a wrecker rotation permit with the chief of police. The application shall:

- a. — Be in writing and signed and sworn to by the owner;
- b. — State the company's qualifications and experience;
- c. — Include a schedule of charges, rates and fees which may not exceed the rates set forth in this section;
- d. — List the equipment the company has for providing said service and provide a statement that the company has all equipment required under the Texas Occupations Code; and

e. — Include a photocopy of the applicant's and its employees' towing licenses issued under the Texas Occupations Code.

If the applicant has a valid wrecker license and complies with the requirements of this article, the chief of police will issue a wrecker rotation permit to the applicant which must be renewed annually. If the permit requirements are not met, the chief of police will notify the applicant in writing that the permit is denied and state the reasons for denial of the permit.

(2) — Permit fee. The application must be accompanied by a permit fee of \$100.00 per year. All permits issued hereunder shall expire September 30 of each year and shall not be prorated unless the city cancels all permits and changes to a contracted wrecker service.

(3) — Liability insurance. All wrecker companies with a wrecker rotation permit must carry standard liability insurance for each wrecker in limits of not less than the amounts required by the Texas Occupations Code.

(4) — Maximum towing fees authorized:

a. — Vehicles with GVWR under 10,001 pounds:

Towing fee — \$100.00 plus mileage

Drop fee — \$50.00 plus mileage

Work time — \$125.00 per hour (first 15 min. free)

Mileage — \$4.00 operated mile

b. — Vehicles with GVWR over 10,001 and less than 26,001 pounds:

Hook-up fee — \$150.00

Drop fee — \$75.00

Working time — \$350.00 per hour (4 hour min.)

Waiting time — \$150.00 per hour

Mileage — \$5.00 per operated mile

c. — Vehicles with GVWR over 26,001 pounds:

Hook-up fee — \$350.00

d. — Special equipment:

Dolly for cars — \$50.00 plus \$2.00 per one-way mile

Dolly for truck/trailer — \$100.00 per hour

Light power plant — \$50.00 per hour

Air cushions—\$200.00 per cushion per hour

Recovery van \$150.00 plus \$4.00 per one-way mile

Arrow board—\$50.00 per strap

Nylon lifting straps—\$50.00 per strap

Replacement vehicle—Will be charged base fee no mileage charge

e. — Extra labor: \$50.00 per hour per person; time will be computed from the time such help leaves terminal point of dispatch until they return to terminal or point of dispatch after completing work.

f. — Forklift number 311: \$100.00 per hour with operator time will be computed from the time unit arrives on location until unit leaves location. Normal delivery fee charged by specific delivery truck.

g. — Pay out fees: At the option of the carrier charges or expense for payout fees or special services for the account of the shipper may be advanced by MWS. Such advance charges shall be in addition to other applicable rates or charges. MWS will assess carrying charge of 25 percent of said payout fees.

h. — Private property tow fee schedule:

Light-duty towing fee — \$250.00 — Drop fee — \$125.00

Medium-duty towing fee — \$350.00 — Drop fee — \$175.00

Heavy-duty tow fee (per unit) — \$450.00 — Drop fee — \$225.00

MAX heavy-duty tow fee — \$900.00

(5) — Yards and storage areas.

a. — Each wrecker company on the police wrecker rotation list must own or contract with a licensed vehicle storage facility within five miles of the city limits of the city.

b. — All yards and storage areas for damaged or impounded vehicles which are towed by wrecker companies on the wrecker rotation list shall be fenced or enclosed in order to provide protection for the vehicles in their custody.

(6) — Suspension, cancellation or revocation of wrecker rotation permit.

a. — After an administrative hearing, the chief of police may suspend, cancel or revoke a wrecker license granted under section 48-190 for any of the following grounds:

1. — If the wrecker company violates any provision of this article or any other ordinances or any state law regulating vehicular traffic.

2. — If the wrecker company fails to protect vehicles in its care as a result of wrecker pull or fails to prevent parts, accessories, and personal belongings from

being removed from the vehicle except as may be necessary to protect said items from theft.

3. — If at any time it is determined that the wrecker company fails to meet the minimum requirements for a licensed wrecker under this article.

b. — The chief of police shall give ten days' notice of the time and place for the administrative hearing concerning suspension, cancellation, or revocation of a wrecker rotation permit as provided above and is hereby empowered to administer oaths to witnesses and to conduct the hearing as otherwise provided by law.

c. — Finding the chief of police in his written order of suspension, cancellation or revocation of wrecker license shall terminate all authority and permission previously granted. The period of suspension, revocation or cancellation of a wrecker license shall not exceed one year.

d. — Any order of the chief of police may be appealed to the city council within ten days from the date the permit holder receives written notice of the suspension, cancellation, or revocation. The city council shall have authority to reverse, affirm, vacate or modify the order of the chief of police; provided, however, in the event the city council affirms the order, the suspension, revocation or cancellation shall commence on the date of action by the city council.

SECTION 48-192. TOW TRUCKS AND REQUIRED EQUIPMENT.

(a) All tow trucks shall be equipped with a dolly, winch, cable line, booster brakes, axe, tow bar, spare chains, blinker lights, emergency lights, working light(s), broom, shovel, reflectors or traffic cones, wheel chocks, trash container, hydraulic jack, fire extinguisher (A.B.C. Type and five-lb. minimum required), backing warning signal, in addition to the other standard equipment on tow trucks.

(b) All tow truck equipment must be maintained in working order at all times.

(c) Each tow company truck driver on the police rotation list responding to police requested tows shall have a way to communicate either by radio or cellular phone with police communications during their on-call rotation.

(d) Tow truck drivers may only activate blue or red emergency lights while working in conjunction with law enforcement. Responding to a call with emergency lights activated will be deemed grounds for suspension of city permit.

(e) The permit holder must own or lease the types of tow trucks and equipment required to safely conduct tows in accordance with the provisions of Chapter 2308 of the Texas Occupations Code.

(f) A towing company that wishes to enter into a rotation contract with the city shall own or lease, at least one at minimum, two (2) medium duty tow trucks and may also own or lease (1) a heavy duty tow truck available at all times while on rotation call to transport vehicles in a manner that will not damage the vehicles.

i. Medium duty tow truck mounted on a minimum one-ton capacity chassis and capable of towing motor vehicles with a gross weight rating of more than 10,000 pounds,

but less than 25,000 pounds. Must have a boom and winch rated at not less than 8,000-pound lift capacity and a wheel lift device rated at not less than 4,500 pounds.

ii. Heavy duty tandem axle tow truck mounted on a minimum 2 ½ ton capacity chassis and capable of towing motor vehicles with a gross weight rating that exceeds 25,000 pounds and equipped with a minimum of a 12,000-pound wheel lift under reach, a minimum of two 20,000-pound winches, and a boom rated at not less than a 25-ton capacity.

(g) Each tow truck shall have the name, city and state of the city permit holder, as shown on its permit, on each side of the tow truck. The name, city, state and telephone number of the towing company shall appear in letters at least two (2) inches high, which are permanently affixed, legible and on a contrasting background. Magnetic or other forms of removable signs shall not comply with this requirement.

All wreckers or towing equipment used in the city shall have the following minimum equipment:

(1) — A Class A wrecker shall be mounted on a minimum one-ton capacity chassis and shall be equipped with a power or hand-operated winch, boom and line with a factory-rated capacity of not less than 5,000 pounds single-line capacity.

(2) — A Class B wrecker shall be mounted on a 2½-ton minimum chassis and shall be equipped with a power-operated winch, boom and line with a factory-rated lift capacity of not less than 10,000 pounds single-line capacity.

(3) — All towing units or wreckers shall be equipped with a dolly, winch, line, booster brakes, axe, tow bar, spare chains, blinker lights, emergency lights, working light, broom, flares, wheel chocks, hydraulic jack and fire extinguishers, in addition to the other standard equipment on wreckers. Each wrecker company on the police rotation list shall have a two-way radio with emergency law enforcement frequency.

SECTION 48-193. GENERAL REQUIREMENTS AND DUTIES OF TOWING COMPANIES PERFORMING POLICE TOWS. ~~Liability insurance.~~

- (a) All police tows shall be undertaken pursuant to the terms and conditions of this article. Only towing company personnel that have been approved and permitted by the Big Spring Police Department shall conduct police tows.
- (b) All tow trucks and permit holders shall be in full compliance with all applicable State and Federal rules, including but not limited to those pertaining to vehicle registration, insurance and safety equipment.
- (c) It shall be the obligation of all city permit holders to operate towing companies so as to provide safe and prompt removal of wrecked, disabled or police tow vehicles when called upon to do so in accordance with this article and to deliver the vehicle to the vehicle storage facility owned or leased by the permit holder.

(d) The duty to provide safe and prompt towing service upon call includes but is not limited to the following specific duties:

- (1) Upon arrival at the scene of an accident, towing company personnel shall take directions from the police officer in charge of that scene.
- (2) No city permit holder shall store any vehicles or tow trucks on the public roadways or rights-of-way. City permit holders shall use reasonable care in the storage of property not belonging to the permit holder to minimize the risk of theft or damage.

A permit holder shall immediately notify the Police Department of unclaimed property removed from a vehicle at the time of its release from the storage facility. The permit holder shall immediately notify the Police Department if he believes or has reason to believe that a vehicle contains property that is stolen.

(e) No towing company seeking to tow a vehicle which contains, or is reasonably believed to contain, hazardous materials may accomplish the tow unless, pursuant to 49 U.S.C. sections. 1801, 5107-5109, 5125; 49 CFR 387; Texas Transportation Code sections. 522.003(19), 522.041-522.043, and all other applicable federal and state law:

- (1) The tow truck is registered to transport hazardous materials;
- (2) The tow truck has been issued pertinent permits to transport same; and
- (3) The driver of the tow truck is licensed to transport hazardous material.

In the event a towing company seeks to tow a vehicle containing, or reasonably believed to contain, hazardous materials, and the materials have leaked or appear to be leaking, the towing company shall immediately advise the city Fire Department of the leakage. The vehicle will not be moved until inspected by the city Fire Department. The city Fire Department will be the sole authority in determining the appropriate precautions to be taken prior to authorizing the vehicle to be moved by the towing company.

All wrecker companies shall carry standard liability insurance for each wrecker in limits of not less than the following sums:

- (1) — For damages arising out of bodily injury to or death of one person in any accident, \$100,000.00.
- (2) — For damages arising out of bodily injury to or death of two or more persons in any one accident, \$300,000.00.
- (3) — For injury to or destruction of property in any one accident, \$100,000.00.

SECTION 48-194. PERMIT APPLICATION. ~~Theft and vandalism insurance.~~

An applicant for a city permit shall submit, on a form provided by the Big Spring Police Department, a complete, verified application containing or accompanied by the following:

- (a) The true name, the trade name, physical address and mailing address, and telephone number of the towing company.
- (b) The name, date of birth and physical home address and mailing address of the applicant if a sole proprietorship.
- (c) The name, date of birth and physical home address and mailing address of each partner if the applicant is a partnership.
- (d) The name, date of birth and physical home address and mailing address of each corporate officer, if the applicant is a corporation.
- (e) The name, physical address and driver's license number of every tow truck driver employed by the applicant who will be conducting police tows.
- (f) The physical address of the applicant's vehicle storage facility and a photocopy of the State license for the facility.
- (g) Copies of certificate of liability insurance showing a minimum of \$50,000.00 theft insurance and a minimum of \$50,000.00 vandalism coverage for said vehicle storage facility.
- (h) A certificate from the city/county tax assessor-collector that all city taxes on all properties, real and personal, to be used in connection with the applicant's business are current.
- (i) A certificate of liability insurance issued by a company authorized to do business in the State which identifies coverage in the amounts required under this article.
- (j) For each tow truck the applicant intends to use:
 - i. The make, model, size and model year;
 - ii. The vehicle identification number;
 - iii. The state license plate number;
 - iv. The State issued permit # for each listed tow truck; and
 - v. A photocopy of the certificate of registration issued by the State.
- (k) Copies of appropriate authorized tow licenses issued for each tow truck driver.
- (l) Copies of certificate of liability insurance for Incident Management tows, mandated by Chapter 2308.103 of the Texas Occupations Code, as amended;

i. A minimum of \$500,000 of liability insurance for each tow truck; and

ii. A minimum of \$50,000 of cargo insurance for each tow truck.

(m) Any indemnification requirements of the city;

(n) Provide that each permit holder shall be an independent permit holder and shall not, with respect to their acts or omissions, be deemed an agent or employee of the City of Big Spring.

(o) Consent form authorizing to the inspection of tow trucks, tow truck equipment and storage facilities by the Chief of Police or his designee between the hours of 8:00 a.m. and 5:00 p.m. on weekdays. This authority shall be cumulative of any other authority held by the Chief of Police, other law enforcement officials or other legally authorized public officials.

(p) Signed agreement stating that the tow truck company will, within four (4) business days of performing each police tow, provide to the Big Spring Police Department an itemized copy of the tow bill associated. This may be done by sending a copy of the itemized tow bill to records@bigspringpd.net.

(q) Signed agreement with the Big Spring Police Department that any police tows that are directed to be taken to the LEC impound lot or city contracted vehicle maintenance garage for the purpose of evidence, violation of insurance ordinance, or repair, the Big Spring Police Department will be charged a flat rate of \$200.00 per towed vehicle. This fee may be requested to be part of a requested tow fee study.

Each wrecker company on the police wrecker rotation list shall have a storage yard and shall carry a minimum of \$50,000.00 theft insurance and a minimum of \$50,000.00 vandalism coverage for said yard.

SECTION 48-195. VEHICLE STORAGE FACILITY AND SECURITY. ~~Yards and storage areas to be fenced.~~

- (a) Each tow company on the police tow rotation list must own or contract with a storage facility licensed under and in compliance with the Texas Occupations Code that is located within 8 miles of the territorial limits of the City of Big Spring.
- (b) The facility must be completely enclosed with adequate solid fencing, locks and other security devices as necessary to maintain security of stored vehicles.
- (c) Each permit holder shall provide an attendant who shall be available on the storage facility premises for the release of vehicles from 8:00 a.m. until 5:00 p.m., Mondays through Fridays, as well as an attendant available to respond to the storage facility for vehicle releases within 30 minutes of notification at all other times. A single telephone number must be designated for attendant response between 5:00 p.m. and 8:00 a.m.
- (d) Storage fees shall not be assessed by a permit holder in excess of those amounts authorized by State law.

- (c) Location of office/storage area. The storage area and office shall be contiguous and shall be open during regular business hours.

All yards and storage areas for damaged or impounded vehicles which are towed by wrecker companies on the rotation list shall be fenced or enclosed in order to provide protection for the vehicles in their custody. All yards and storage areas of all wrecker companies shall be located within five miles of the city limits.

SECTION 48-196 WRECKER SELECTION PROCESS/ROTATION. RESERVED.

(a) — When a police officer investigating an accident determines that any vehicle which has been involved in a collision or accident upon a public street is unable to proceed safely under its own power or that the owner thereof is physically unable to drive said vehicle and does not designate in writing another person to remove said vehicle, or the owner does not sign a release in the case of a vehicle which is legally parked, then the officer shall request the owner to designate in writing another person to remove said vehicle, or, if the vehicle is legally parked, the owner does not sign a release, then the officer shall request the owner to designate the wrecker company which the owner desires to remove the vehicle. Said wrecker company must have a valid wrecker license issued under section 48-190 and a valid rotation permit issued under section 48-190. If the company does not have said valid license and permit issued under this article, the owner shall be so informed and given an opportunity to designate another company from a list of licensed wrecker companies which have valid rotation permits. The officer in charge at the scene of any accident or arrest may authorize use of a company licensed under section 48-190 but which does not have a valid rotation permit issued under section 48-190 if requested by the owner of the vehicle and it will result in no unnecessary delay in clearing the scene of the accident or arrest and if the owner signs a written release which releases the Police department and the city from all liability for use of a company which does not have a valid rotation permit issued under section 48-190. When the owner has designated the wrecker company desired, the police officer shall communicate that fact immediately to police department headquarters and it shall be the duty of the officer receiving the information at headquarters to call the designated company to send a wrecker to the scene of the accident or collision or arrest.

(b) — In the event the owner of a vehicle described in subsection (a) of this section is physically unable to designate the wrecker company desired or refuses to designate one, or in the case of an abandoned motor vehicle, as defined in Texas Transportation Code § 683.002 (the procedure for handling abandoned motor vehicles shall be governed by said statute in addition to the provisions of this article), the investigating officer shall communicate that fact immediately to police department headquarters. The police department shall maintain a wrecker rotation list in alphabetical order, which shall contain the name and address of each wrecker company that has been issued a permit under section 48-191 in order that said company may be called upon for wrecker service by the police department. The police officer receiving a call at police headquarters for wrecker service shall call the first wrecker company on the list to tow said

vehicle or move the same from the public streets of the city. After the company at the top of the list has received calls for a period of two weeks, then the company's name shall be placed at the bottom of the list and the next company shall be moved to the top of the list and it shall receive calls for two weeks. This process shall be repeated until each company providing wrecker service under the provisions of this article has received calls for two weeks and then this process shall be started over again. The police department shall notify each wrecker company in sufficient time before it renders wrecker service so the company can adequately provide the necessary personnel and equipment to answer said calls.

(c) — In the event the wrecker company is requested by the police department to make a call and the company agrees to make the call, then the company shall proceed immediately to the scene where it is directed and shall be given a period of 15 minutes in which to reach the location. If the wrecker company answering the call has not reached the location within 15 minutes, the officer at the scene may proceed to call the next wrecker company on the list and that company shall have priority over that particular call. In the event a wrecker company fails to comply with the provisions of this subsection by proceeding to the designated place within the time specified above, said company shall be removed from the top of the list and placed at the bottom of the list. This subsection shall not apply where the company's name at the top of the list is called and they advise the officer requesting the wrecker service that they will be unable to make the call, nor will it apply where there has been a delay caused by some act or omission of another person other than of the wrecker company or its employees or caused by an act of God.

SECTION 48-197 SOLICITATION OF TOW TRUCK WRECKER BUSINESS PROHIBITED ON PUBLIC STREETS ROADWAYS.

No person shall solicit in any manner, directly or indirectly on the public roadways of the city, tow company business involving a vehicle wrecked on said roadways. This prohibition applies regardless of whether the solicitation is for the business of towing, repairing, wrecking, towing, trading, selling, or purchasing said wrecked vehicle. The presence of a tow truck at the scene of a collision or arrest or abandoned vehicle when such tow truck was not called by the city or a party to the collision or arrest, shall be prima facie proof of violation of this section.

(a) — No person shall solicit in any manner, directly or indirectly, on the public streets of the city, wrecker business involving a vehicle wrecked on said streets. This prohibition applies regardless of whether the solicitation is for the business of towing, repairing, wrecking, storing, trading selling or purchasing said wrecked vehicle. The presence of a wrecker at the scene of a collision or arrest or abandoned vehicle, which wrecker was not called by the police.

(b) — Department or a party to the collision or arrest, shall be prima facie proof of solicitation as is hereby prohibited.

SECTION 48-198 RECOMMENDATION OF TOW TRUCK WRECKER SERVICE.

No city employee including a police officer investigating or present at the scene of any wreck, accident or collision on a public roadway, or in any other situation where a vehicle needs to be towed, shall, directly or indirectly, either by word, gesture, sign or otherwise, recommend to any person the name of any particular person or company engaged in the tow service or repair business; nor shall any such employee influence or attempt to influence in any manner the decision of any person in choosing or selecting a tow truck or repair service. It is further provided that any police officer, in the exercise of official discretion, may direct that any vehicle shall be taken by the driver of the tow company towing the vehicle directly to the police station or to any other place the officer may designate, to be held by the city for any lawful purpose.

No employee of the city shall recommend to any person, in any manner, the name of any repair, wrecker or towing business nor shall any city employee influence or attempt to influence in any manner the decision of any person in choosing or selecting a repair, wrecker service or towing business.

SECTION 48-199 SUBCONTRACTING.

No tow company may subcontract its two-week rotation to another tow company service. Additionally, no tow company may subcontract or choose another tow company to assist with a police tow or respond in their place. If the on-call needs additional assistance outside of their tow company, the tow truck driver is to advise an officer on scene at which time the next on-call tow company will be contacted to respond and assist.

No wrecker company may subcontract its two-week rotation to another wrecker service.

SECTION 48-200. DISCRETION OF POLICE DEPARTMENT.

In order to protect the public health and safety, a police officer on scene at any situation necessitating towing service shall at all times retain the sole discretion to determine the type (medium or heavy-duty) of tow truck suitable and/or the need for any other specialized tow truck for any particular situation regardless of the rotation call list.

Due to the emergency nature of wrecker service, the following matters are determined to be necessarily within the discretion of the police department:

- (1) — The police department shall have the responsibility for calling for the type (standard or heavy-duty) wrecker deemed suitable for any particular situation necessitating wrecker service.
- (2) — The police department shall have the discretion to determine the need for any other specialized heavy-duty wrecker as may be needed for a particular situation regardless of the rotation call list.

SECTION 48-201. CLEANUP RESPONSIBILITY.

Any driver who tows any vehicle from the scene of an accident shall remove all vehicle and other debris as a result of the accident from the public roadway. This duty specifically includes removal of all broken glass and vehicle debris from the public roadway and the removal of any load of any vehicle from the traveled portion of the public roadway so as to eliminate any hazard to vehicular traffic. This does not include responsibility to unload cargo from a vehicle in order to permit hauling of the cargo separately. Debris shall be disposed of in a manner which will keep it out of gutters, storm sewers, streams, public rights-of-ways and property not belonging to the towing company.

~~Each wrecker company called to the site of an accident shall completely remove all broken glass and debris from the public street before leaving the accident scene. Debris shall be disposed of in a manner which will keep it out of gutters, storm sewers, public right-of-way and property not belonging to the wrecker company unless done with the consent of the property owner.~~

SECTION 48-202 AVAILABILITY OF SERVICE.

Each tow company on the rotation call list shall be available to provide 24-hour service and must have its office open for business during normal business hours.

~~Each wrecker company on the rotation call list shall be available to provide 24-hour service. Each wrecker company on the rotation list must have its office open for business during normal business hours.~~

SECTION 48-203 PERMIT REVIEW INSPECTION OF EQUIPMENT.

- (a) The Big Spring Police Department shall issue a city permit to every towing company complying with this article unless legal grounds exist for denying such a permit.
- (b) The Big Spring Police Department may not issue a permit to a towing company if:
 - i. The application is incomplete.
 - ii. If it is found that any wrecker driver permit applicant employed by the tow company has been convicted of a felony or crime of moral turpitude and five (5) years has not elapsed since the conviction and completion of any sentences, parole or probation that resulted from the conviction.
- (c) Any applicant or individual employee not listed and approved by the Police Department shall not be used as a wrecker driver on police tows and shall not be assigned to duties involving police impounds or used to release impounded vehicles.
- (d) City issued permits are not transferable or assignable. No city permit shall be transferred or assigned from any person or company to another. When any change of ownership or change of controlling interest occurs, any existing city permit shall immediately terminate.

The chief of police shall have the right to inspect the equipment and facilities of companies approved to provide wrecker service under the provisions of this article. Inspection shall be made at any and all reasonable hours and places.

SEC. 48-204. RATES AND FEES; ~~ITEMIZED RECEIPT~~. TOWING FEES.

(a) A city permit holder performing tows other than police tows may collect fees that are deemed reasonable in accordance with the provisions set forth in Texas Occupations Code, Ch. 2308.

(b) City permit holders performing police tows shall not charge fees that exceed the maximum amounts described in this article. All monetary transactions for all fees under this article are the responsibility of the permit holder. The City of Big Spring shall not be involved in nor responsible for the exchange of funds between the permit holder and third parties.

~~Sec. 48-204. Rates and fees; itemized receipt.~~

~~The fees to be charged for towing, repair or storage by a wrecker company responding to calls for "police pulls" will be decided by an agreement of the majority of the companies on the police rotating call list and with the approval of the chief of police. This agreement will be in writing and signed by the owner or representative of the company. The above stated fee agreement will be required of all companies on the approval rotation call list. Each wrecker company on the wrecker rotation list which makes a "police pull" shall furnish an itemized receipt to the person who picks up the vehicle and pays said fees.~~

SECTION 48-205 GROUNDS FOR SUSPENSION, CANCELLATION, OR REVOCATION OF TOW COMPANY PERMIT. ~~Grounds for suspension or removal.~~

- (a) In lieu of or in addition to any criminal prosecution or civil remedy for the violation of any section of this article, the Chief of Police shall have, as to the holder of any city permit or as to any applicant therefore, the duty and authority to enforce this article by administrative action.
- (b) The proper and safe functioning of towing companies has critical impact on the health, safety and welfare of the public and involves use of the public roadways, often in circumstances necessitating prompt removal of dangerous obstructions to traffic on public roadways; therefore, the privilege of any person to be a city permit holder operating a towing company in the City shall be subjected to strict regulation in order to protect the public.

- (c) For purposes of invoking any administrative remedy against a city permit holder, the acts or omissions of any agent or employee of the city permit holder shall be considered to be the acts or omissions of the city permit holder.
- (d) Any of the following offenses may be grounds for suspension, cancellation or revocation of a tow company's city permit:
- (1) If the place on the tow truck rotation list was procured by fraudulent conduct, concealment of, or false statement of a material fact concerning applicant at the time of his making application;
 - (2) If the tow company fails to protect vehicles in its care as a result of a tow truck pull or fail to prevent parts, accessories and personal belongings from being removed from the vehicle except as may be necessary to protect said items from theft;
 - (3) Failure to properly clean up debris at an accident scene;
 - (4) Failure to maintain a licensed storage facility as required by this article;
 - (5) Driving any tow truck to or from the scene of an accident in a manner which endangers the life or safety of any person;
 - (6) Responding to a police tow call with emergency lights activated prior to arriving on scene.
 - (7) Failure to maintain in effect any insurance required by law.
 - (8) Charging a fee in excess of the amounts authorized by this article or any amounts not listed in this article;
 - (9) Permitting a tow truck to be operated by anyone while under the influence of prescription drugs which could interfere with a driver's ability to operate the tow truck;
 - (10) Permitting a tow truck to be operated by anyone while under the influence of alcohol or illegal drugs which could interfere with a driver's ability to operate the tow truck;
 - (11) Permitting a tow truck to be operated by anyone whose operator's or driver's license is suspended;
 - (12) Any sustained complaint of theft by employees of towing company while acting in their capacity as employees of towing company, whether occurring during a police tow or otherwise;
 - (13) Any sustained complaint of threats made by employees of the towing company while acting in their capacity as employees of towing company made against third parties during a police tow;
 - (14) Failing to comply with all directions of police officers while performing related activities on a public roadway;
 - (15) Failure to comply with any state or federal law or city ordinance related to the operation of a permit holder;
 - (16) Using an employee that has not been approved by the Police Department to conduct police tows; or
 - (17) If the tow company is repeatedly tardy in arriving after being called to the scene of an accident by the police department for a police tow.

(a) — After an administrative hearing, the chief of police may suspend or remove any wrecker company from the rotation list for any of the following grounds:

(1) — If the place on the wrecker rotation list was procured by fraudulent conduct, concealment of, or false statement of a material fact concerning applicant at the time of his making application.

(2) — If the wrecker company violates any provisions of this article or any other ordinance or any state law regulating vehicular traffic.

(3) — If the wrecker company fails to protect vehicles in its care as a result of a wrecker pull or fails to prevent parts, accessories and personal belongings from being removed from the vehicle except as may be necessary to protect said items from theft.

(4) — If the wrecker company is repeatedly tardy in arriving after being called to the scene of an accident by the police department for a police pull.

(5) — If the wrecker company charges fees in excess of limits set out in rate agreement.

(6) — If at any time it is determined that the wrecker company fails to meet the minimum requirements for selection to the approval rotation list.

(b) — The chief of police shall give ten days' notice of the time and place for the administrative hearing concerning suspension, cancellation or removal as provided above and is hereby empowered to administer oaths to witnesses and to conduct the hearing as otherwise provided by law.

(c) — Findings of the chief of police and his written order of suspension or removal from the rotation list shall terminate all authority and permission theretofore granted. The period of removal or suspension from the rotation list shall not exceed one year.

(d) — Any order of the chief of police may be appealed to the city council within ten days from the date of suspension or removal. The city council shall have authority to reverse, affirm, vacate or modify the order of the chief of police, provided that in the event of affirmance of the order, the suspension shall commence upon the date of action by the city council.

SECTION 48-206. LICENSE AND PERMIT FEES.

To cover the cost of any expenses incurred by the city police department in the processing of applications and other administrative services under this article, each tow company shall pay a license fee of \$100.00 per year and each tow company which applies for a rotation permit shall pay a permit fee of \$200.00 per year. All licenses and permits issued hereunder shall expire the first Monday of October of each year at 8:00 a.m. and shall not be prorated.

To cover the cost of any expenses incurred by the city police department in the processing of applications and other administrative services under this article, each wrecker company shall pay a license fee of \$50.00 per year and each wrecker company which applies for a rotation permit

shall pay a permit fee of \$100.00 per year. All licenses and permits issued hereunder shall expire September 30 of each year and shall not be prorated.

SECTION 48-207 SUSPENSION, CANCELLATION, OR REVOCATION OF WRECKER LICENSE.

- (a) After an administrative hearing, the chief of police may suspend, cancel or revoke a tow company permit granted under section 48-194 for any violations listed under section 48-205.
- (b) Findings of the chief of police in his written order of suspension, cancellation, or revocation of tow permit shall terminate all authority and permission theretofore granted. The period of suspension, revocation or cancellation of a tow company permit shall not exceed one year.
- (c) When a permit is suspended, the holder of the permit shall be notified in writing that the permit is, upon service of the notice, immediately suspended. Opportunity for a hearing will be provided if the permit holder files a written request with the City Manager within ten (10) business days of the date notice is served. The permit holder shall be afforded a hearing within ten (10) days of receipt by the City Manager of a timely request. If no written request for a hearing is filed within ten (10) business days of the date notice is served, the suspension is sustained and becomes final.
- (d) The City Manager shall conduct the hearing provided for in this article at a time and place designated by the Manager. Based upon the evidence presented at the hearing, the City Manager shall make final findings and shall sustain, modify or rescind the suspension. A written hearing decision letter notice shall be furnished to the permit holder by the City Manager.
- (e) If, after a hearing, the City Manager sustains the suspension, the suspension becomes final.
- (f) If, after a hearing, the City Manager determines that the cause for suspension is invalid, the permit shall be reinstated. In this event, the permit holder's sole remedy shall be reinstatement.

(a) — After an administrative hearing the chief of police may suspend, cancel or revoke a wrecker license granted under section 48-191 for any of the following grounds:

- (1) — If the wrecker company violates any provision of this article or any other ordinance or any state law regulating vehicular traffic; provided, however, the provisions of this article regarding a wrecker company which has obtained a permit to be included on the approved rotation list shall not apply to a licensed wrecker company which does not also hold a permit to be included on the approved rotation call list as provided in section 48-191.
- (2) — If the wrecker company fails to protect vehicles in its care as a result of a wrecker pull or fails to prevent parts, accessories, and personal belongings from being removed from the vehicle except as may be necessary to protect said items from theft.

(3) — If at any time it is determined that the wrecker company fails to meet the minimum requirements for a licensed wrecker under this article.

(b) — The chief of police shall give ten days' notice of the time and place for the administrative hearing concerning suspension, cancellation, or revocation of a wrecker license, as provided above, and is hereby empowered to administer oaths to witnesses and to conduct the hearing as otherwise provided by law.

(c) — Findings of the chief of police in his written order of suspension, cancellation, or revocation of wrecker license shall terminate all authority and permission theretofore granted. The period of suspension, revocation or cancellation of a wrecker license shall not exceed one year.

(d) — Any order of the chief of police may be appealed to the city council within ten days from the date of suspension, cancellation, or revocation. The city council shall have authority to reverse, affirm, vacate or modify the order of the chief of police; provided, however, in the event of affirmance of the order, the suspension, revocation or cancellation shall commence on the date of action by the city council.

SECTION 48-208. FEES AND CHARGES FOR INCIDENT MANAGEMENT TOWS AND NONCONSENT TOWS

(a) City permit holders performing police tows shall not charge fees that exceed the maximum or any non-listed amounts described in the following subsections.

MAXIMUM TOWING FEES FOR VEHICLES WITH GVWR UNDER 10,001 LBS

TOWING FEE*	\$272.00	Plus Mileage
DROP FEE	\$135.00	Plus Mileage
WORK TIME*	\$150.00	Per Hour
MILEAGE (Calculated from VSF to Scene and back to VSF)	\$5.00	Operated Mile
*TOWING FEE		A flat rate. Includes hook up fee and winching of vehicle to include needed use of snatch blocks and scotch blocks.
*WORK TIME		Includes any wait time, service time, debris

		clean up and truck operator time.
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**MAXIMUM TOWING FEES FOR VEHICLES WITH GVWR OVER 10,001 LBS AND
LESS THAN 26,001 LBS**

TOWING FEE*	\$380.00	Plus Mileage
DROP FEE	\$244.00	Plus Mileage
WORK TIME*	\$275.00	Per Hour
MILEAGE (Calculated from VSF to Scene and back to VSF)	\$6.00	Operated Mile
*TOWING FEE		A flat rate. Includes hook up fee and winching of vehicle to include needed use of snatch blocks and scotch blocks.
*WORK TIME		Includes any wait time, service time, debris clean up and truck operator time.

MAXIMUM TOWING FEES FOR VEHICLES WITH GVWR OVER 26,001 LBS

TOWING FEE*	\$500.00	Plus Mileage
DROP FEE	\$230.00	Plus Mileage
WORK TIME *	\$350.00	Per Hour
MILEAGE (Calculated from VSF to Scene and back to VSF)	\$7.00	Operated Mile
*TOWING FEE		A flat rate. Includes hook up fee and winching of vehicle to include needed use of snatch blocks and scotch blocks.
*WORK TIME		Includes any wait time, service time, debris clean up and truck operator time.

VSF FEES AND OTHER CHARGES REGULATED BY TDLR

DAILY STORAGE FEE	\$21.03/DAY \$36.80/DAY	Vehicle < Or = 25 Feet in Length Vehicle > 25 Feet in Length
NOTIFICATION FEE	\$50.00	This fee covers ALL notices.
VEHICLE IMPOUNDMENT FEE	\$21.03	Must meet TDLR requirements.

ADDITIONAL ALLOWABLE RATES FOR TOW AND RECOVERY

Dolly for Vehicle under 10,001 GVWR	\$50.00	Plus \$2.00 per one way mileage.
Dolly for Truck/Trailer over 10,001 GVWR	\$100.00	Per Hour
Light Power Plant	\$50.00	Per Hour
Air Cushions (Lift Bags)	\$200.00	Per Cushion / Per Hour
Recovery Van/Trailer	\$150.00	Plus \$4.00 per one way mileage.
Lifting Straps	\$50.00	Per Strap Used
Extra Labor	\$100.00	Per Hour / Per Person
Fluid Absorbent	\$25.00	Per Bag
Tire Change Prep to Tow	\$20.00	Per Tire
Ratchet Straps	\$15.00	Each Application
Remove Drive Line or Disconnect Linkage	\$75.00	Flat Fee
Rollover Fee (FLAT FEE)	\$100.00 \$200.00 \$300.00	< 10,001 Lbs. > 10,001 Lbs. < 26,000 Lbs. > 26,001 Lbs.
Off-Road Recovery	\$200.00	Per Hour
High Water Recovery	\$300.00	Per Hour

(b) Any additional required equipment. If the towing company is required to rent or lease a piece of equipment which is not required in the normal operation of a towing company, the actual cost for lease or rental of such equipment may be passed on to the vehicle owner.

- (c) Hazardous materials. In the event a towing company seeks to tow a vehicle containing, or reasonably believed to contain, hazardous materials, and the materials have leaked or appear to be leaking, the towing company shall immediately advise the city Fire Department of the leakage. The vehicle will not be moved until inspected by the city Fire Department. The city Fire Department will be the sole authority in determining the appropriate precautions to be taken prior to authorizing the vehicle to be moved by the towing company.
- (d) Additional tow trucks. In the event the police officer at the scene determines that a second tow truck is required, a fee as established within this ordinance per hour shall be paid to the towing company for any work performed at the scene during the first hour after the arrival of the second tow truck. Time posted for the second tow truck after the first hour will be billed in increments of 15 minutes. The use of the second tow truck shall be approved by a police supervisor. Travel time to the scene is excluded.

SECTION 48-209. RESPONSE TIMES.

In the event that a tow company designated by the owner of the vehicle or called by the police department from the city's tow company rotation list is contacted to respond to a scene, the tow company shall proceed immediately to the scene where it is directed and, absent extenuating circumstances, shall be given a period of 25 minutes in which to reach the location. If the company answering the call has not reached the location within 25 minutes, the officer at the scene has discretion to call the contracted or rotation list tow company if the original tow truck was designated by the owner or to call the next tow company on the tow company rotation list if the originally called tow truck was at the top of the tow company rotation list. The second called tow company shall then have priority over the call. Failure to comply with these response times may result in removal of a company from the tow company rotation list or be considered a breach of contract for the city's contracted tow company. An exception may be made where the called tow company advised the officer or police communications requesting the towing service that they will be unable to take the call or in the case of a delay beyond the control of the tow company or its employees.

Additionally, the tow company when responding to the scene where it is directed, shall notify police communications either by radio or phone:

- (a) When they have arrived on scene;
- (b) When they have completed the removal of vehicle and debris from the scene and are enroute to their respective storage facility.
- (c) When they arrive at their storage facility.

SECTION 48-210. ITEMIZED TOW BILL TO POLICE DEPARTMENT.

Within four (4) business days of performing a police tow, the tow company that completed the police tow, shall provide to the Big Spring Police Department a copy of the itemized tow bill associated. This may be done by sending a copy of the itemized bill by e-mail to records@bigspringpd.net. This will allow the Chief of Police the ability to monitor that the fees being charged are within the allowable rates. There will be no additional fee to the vehicle operator/owner or City of Big Spring for this service.

SECTION 48-211. FILING OF AND INVESTIGATING COMPLAINTS CONCERNING TOW COMPANIES.

Any complaint regarding a towing company shall be submitted in writing to the City of Big Spring Chief of Police. The complaint shall be specific as to the allegations and shall be signed by the individual submitting the complaint. Complaints will be fully investigated; findings will be made and appropriate action will be taken.

SECTION 48-212. - PROCEDURES FOR ADMINISTRATIVE HEARING NOTICE.

- (a) *Administrative hearing notice.* The Chief of police shall give ten (10) days' notice of the time and place for the administrative hearing concerning suspension, cancellation or removal as provided above and is hereby empowered to administer oaths to witnesses and to conduct the hearing as otherwise provided by law.
- (b) Notice is served when it is personally delivered to the holder of the permit or when deposited in the U.S. Mail, by registered or certified mail, return receipt requested, to the address of the permit holder provided in his application, whichever occurs earlier. A copy of the notice shall be kept and filed in the records of the Big Spring Police Department.
- (c) Findings of the chief of police and his written order of suspension or removal from the rotation list shall terminate all authority and permission theretofore granted. The period of removal or suspension from the rotation list shall not exceed one year. Any order of the chief of police may be appealed to the city manager within ten days from the date of suspension or removal. The city manager shall have authority to reverse, affirm, vacate, or modify the order of the chief of police, provided that in the event of affirmance of the order, the suspension shall commence upon the date of action by the city manager.

SECTION 48-214. - CRIMINAL PENALTY.

- (a) Any business or person commits an offense if they violate any provision of this article applicable to them.
- (b) Any business or person violating any prohibition, requirement, duty or provision of this article shall be deemed to have committed a Class C misdemeanor, and, upon conviction, shall be punished by a fine of not more than \$500.00.

Commented [AWH1]: 213

(c) It shall be a defense to prosecution of any violation of this article that a person violated this article while acting to prevent imminent death or bodily injury to any person involved in an accident or at the direction of a peace officer.

SECTION 4. Note. Language in Sections 2 and 3 to be added appears underlined and language to be deleted is ~~stricken~~. The tables in the text to be codified as 48-208, included in Section 2-above, are to be added.

SECTION 5. Any suspension of a towing company prior to the passage of this ordinance by the Chief of Police is hereby lifted and any towing company affected may apply for a towing permit under the Code for the remainder of the current fiscal year. This section shall not otherwise limit the authority of the Chief of Police on or after the effective date of this ordinance.

SECTION 6. Should any section, paragraph, sentence, clause, phrase, or word of this Ordinance be declared unconstitutional or invalid for any purpose, the remainder of this Ordinance shall not be affected thereby.

SECTION 7. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 8. The City Secretary is hereby ordered and directed to cause the descriptive caption as well as the penalties for violation of this ordinance to be published as required by law.

SECTION 9. This ordinance shall take effect immediately after its publication in accordance with the provisions of Section 52.013, Texas Local Government Code, and it is accordingly so ordained.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the 13th day of December, 2022, with all members of the Council 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 10th day of January, 2023, with all members of the Council present voting “aye” for the passage of same.

Robert H. Moore, III, Mayor

ATTEST:

Tami L. Davis, City Secretary



MEMORANDUM

Date: December 13, 2022
To: Mayor Robert H. Moore, Big Spring City Council, and Todd Darden, City Manager
From: John Medina, Assistant City Manager
Re: First Amendment to ASA Agreement

This amendment addresses which entity is responsible for notification of Big Spring/individual members in the event of an unauthorized disclosure of PHI (Protected Health Information).

Currently, all of the Administrative Services Only (ASO) Groups under TML Health, except for Big Spring and one other, are “fully delegated,” meaning Blue Cross Blue Shield (BCBS) handles the obligations related to notice and reporting when a PHI disclosure happens. Big Spring is a “non-delegated” group, meaning BCBS has to notify TML Health, and then TML Health has to fulfill the obligations related to notice and reporting.

This amendment would bring Big Spring in line with the other TML Health ASO Groups and make them “fully delegated.” This would reduce the potential for confusion or miscommunication between BCBS and TML Health, and it would not cause any noticeable difference in experience for Big Spring (except that Big Spring used to receive notification from TML Health and going forward they would receive notification from BCBS).

Language relating to the “unmasking” of data signifies that TML Health and the ASO Group, Big Spring, will receive reports from BCBS where claim info and other PHI will be unredacted. The vast majority of BCBS clients are employers who are not authorized to see fully identified PHI data. However, this is not the case for TML Health and Big Spring, who are self-insured health plans and meet the definition of a “covered entity” under HIPAA. Because TML Health and Big Spring are not the typical BCBS customer, BCBS must make an internal note to provide unmasked data to us. This language is solely for BCBS internal use.

FIRST AMENDMENT TO ADMINISTRATIVE SERVICE AGREEMENT

This Amendment to Administrative Service Agreement ("**Amendment**") is entered into as of the latest date signed below (the "**Effective Date**") by and between TML Multistate Intergovernmental Employee Benefits Pool d/b/a TML Health Benefits Pool ("**TML Health**"), and the City of Big Spring ("**Big Spring**"). TML Health and Big Spring are referred to individually as "**Party**" and collectively as the "**Parties**."

RECITALS

WHEREAS, the Parties entered into that certain Administrative Service Agreement, effective February 15, 2021 (the "**Agreement**");

WHEREAS, the Parties desire to amend the Agreement to update Attachment 10 of the Agreement, to be governed by its terms and conditions thereby; and

WHEREAS, the Agreement states that it may only be amended by a written amendment executed by both parties to the Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and promises herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby accepted and acknowledged, the Parties agree as follows:

1. **Amendment**. The attached document shall be incorporated into the Agreement as Attachment 10, to replace the pre-existing version of Attachment 10.
2. **Limited Effect**. Except as expressly provided in this Amendment, all of the terms and provisions of the Agreement are and will remain in full force and effect and are hereby ratified and confirmed by the Parties hereto. Without limiting the generality of the foregoing, the Amendment contained herein will not be construed as an amendment to or waiver of any other provision of the Agreement or as a waiver of or consent to any further or future action on the part of either Party that would require the waiver or consent of the other Party. On and after the Effective Date, each reference in the Agreement to "this Agreement," "the Agreement," "hereunder," "hereof," "herein," or words of like import, and each reference to the Agreement in any other agreements, documents, or instruments executed and delivered pursuant to, or in connection with, the Agreement will mean and be a reference to the Agreement as amended by this Amendment.
3. **Entire Agreement**. This Amendment constitutes the sole and entire agreement between the Parties with respect to the subject matter contained herein, and supersedes all prior and contemporaneous understandings, agreements, representations, and warranties, both written and oral, with respect to such subject matter.

IN WITNESS WHEREOF, the Parties have entered into this Amendment to the Administrative Services as of the Effective Date.

TML HEALTH

**TML Multistate Intergovernmental
Employee Benefits Pool d/b/a TML
Health Benefits Pool**

By: _____
Name: Jennifer Hoff
Title: Executive Director
Date: _____

Approved as to Form:

By: _____
Nate Danko, Interim General Counsel

Big Spring

The City of Big Spring

By: _____
Name: _____
Title: _____
Date: _____

Approved as to Form:

By: _____

CLAIM ADMINISTRATOR BUSINESS ASSOCIATE AGREEMENT

This Claim Administrator Business Associate Agreement (“Agreement”) by and between TML Multistate Intergovernmental Employee Benefits Pool d/b/a TML Health Benefits Pool (“TML Health”), Blue Cross and Blue Shield of Texas (“BCBSTX”), a division of Health Care Service Corporation, a Mutual Legal Reserve Company (“Claim Administrator”) and City of Big Spring (“**Employer**”) on behalf of its group health plan (“GHP”), collectively the “Parties,” is effective on (insert first date) and applies to that Protected Health Information (“PHI”) that will be disclosed to TML Health by Employer and subsequently disclosed to BCBSTX by TML Health.

The purpose of this Agreement is to set forth the Parties’ mutual agreement on the terms for their compliance with the Health Insurance Portability and Accountability Act and its implementing regulations (45 C.F.R. Parts 160-164), and the Health Information Technology for Economic and Clinical Health Act, as incorporated in the American Recovery and Reinvestment Act of 2009, and its implementing regulations, each as issued and amended by the Secretary (all the foregoing, collectively “HIPAA”) for the services and functions related to the underlying Administrative Services Agreement (the “ASA”). Capitalized terms used in this Agreement and not otherwise defined shall have the meanings set forth in HIPAA, which definitions are incorporated by reference.

Due to the contractual relationship between TML Health and the Employer and TML Health and BCBSTX, nothing in this agreement will require BCBSTX to have any responsibility, liability, or accountability to the Employer identified in this Agreement, other than as may be required of a subcontractor under HIPAA.

The Parties acknowledge and agree that: a) TML Health is a Business Associate of the Employer’s GHP; b) BCBSTX is a Business Associate of TML Health, and c) the GHP is a Covered Entity as defined by HIPAA. Employer acknowledges its employee welfare benefit plan meets the definition of a Health Plan in 45 CFR § 160.103.

1. Obligations and Activities of Claim Administrator as Business Associate.

(a) Claim Administrator agrees to use or disclose PHI it creates or receives from TML Health on behalf of the GHP only as permitted or required by this Agreement or as Required by Law.

(i) Claim Administrator is permitted to use or disclose PHI to perform the functions, activities and services under its Administrative Services Agreement with TML Health. In addition, the Parties may enter into other agreements from time to time that include additional functions, activities, and services provided by the Claim Administrator, and to the extent that such agreements include the Use or Disclosure of PHI, the Parties agree that the terms of this Agreement shall also apply.

(ii) Claim Administrator is permitted to use or disclose PHI to perform functions, activities, or services; provided that such Use or Disclosure would not violate HIPAA if done by TML Health or GHP, including the minimum necessary and/or Limited Data Set requirements of HIPAA.

(iii) Except as otherwise limited in this Agreement, Claim Administrator may use PHI for the proper management and administration of the Agreement, and functions related thereto, or to carry out the legal responsibilities of the Claim Administrator.

CLAIM ADMINISTRATOR
BUSINESS ASSOCIATE AGREEMENT

(iv) Except as otherwise limited in this Agreement, Claim Administrator may disclose PHI for Claim Administrator's proper management, administration and legal responsibilities, provided that the Disclosures are: Required by Law; or Claim Administrator obtains reasonable assurances from the person to whom the information is disclosed that it will remain confidential and be used or further disclosed only as Required by Law or for the purpose for which it was disclosed to the person, and the person notifies the Claim Administrator of any instances of which it is aware in which the confidentiality of the information has been breached.

(v) Except as otherwise limited in this Agreement, Claim Administrator may use PHI to provide Data Aggregation services relating to the Health Care Operations and as permitted by 45 CFR § 164.504(e)(2)(i)(B).

(vi) Claim Administrator may use PHI to report violations of law to appropriate federal and state authorities, consistent with 45 CFR § 164.502(j)(1).

(b) Claim Administrator agrees to use appropriate safeguards to prevent Use or Disclosure of PHI other than as provided for by this Agreement. Claim Administrator agrees to implement administrative, technical, and physical measures that reasonably and appropriately protect the confidentiality, integrity, and availability of the Electronic PHI that Claim Administrator creates, receives, maintains, or transmits as required by HIPAA.

(c) Claim Administrator agrees to report to TML Health any use or disclosure of PHI and any successful privacy or security incidents ("Incidents") related to the GHP which result in the unauthorized access, use, disclosure, modification, or destruction of PHI. Claim Administrator will make report available without delay after the Claim Administrator's Privacy Office becomes aware of the Incident. The report will include Claim Administrator's determination as to whether the Incident meets the definition of a Breach of Unsecured PHI under HIPAA along with the identification (if known) of any individuals whose PHI has been, or is reasonably believed to have been accessed, acquired, or disclosed. Claim Administrator will cooperate with TML Health on behalf of the GHP in investigating the Breach and in assisting TML Health on behalf of the GHP in meeting its HIPAA and state privacy or security law obligations described in Attachment 1 of this Agreement.

- GHP will check YES if they are delegating to Claim Administrator the obligations listed in Attachment 1.
- GHP will check NO if they are not delegating to Claim Administrator the obligations listed in Attachment 1.
- If no selection is made, GHP is responsible for the obligations listed in Attachment 1.

X YES ☐ NO

(d) To reduce the administrative burden of reporting, the Claim Administrator will not be required to report unsuccessful Security incidents which constitute unsuccessful broadcast attacks or pings on Claim Administrator's firewalls, port scans, unsuccessful log-on attempts, denials of service and any combination of the above as long as such incident does not result in the unauthorized access, use, of disclosure of GHP's member data or a Breach of Unsecured Protected Health Information.

CLAIM ADMINISTRATOR BUSINESS ASSOCIATE AGREEMENT

(e) Claim Administrator agrees to enter into a written agreement that meets the requirements of 45 CFR § 164.504(e) and § 164.14(a)(2) its subcontractors (including, without limitation, a subcontractor that is an agent under applicable law) that creates, receives, maintains or transmits PHI on behalf of Claim Administrator. Claim Administrator will ensure the written agreement with each subcontractor obligates the subcontractor to comply with restrictions and conditions that are at least restrictive as the restrictions and conditions that apply to Claim Administrator under this agreement.

(f) Claim Administrator agrees to make internal practices, books, and records, including policies and procedures and PHI, relating to the Use and Disclosure of PHI received from, or created or received by Claim Administrator on behalf of GHP, available to the Secretary, in a time and manner as reasonably requested by or designated by the Secretary, for purposes of the Secretary determining GHP's compliance with HIPAA.

(g) Claim Administrator agrees to document such Disclosures of PHI and information related to such Disclosures as would be required for GHP to respond to a request by an Individual for an Accounting of Disclosures of PHI in accordance with 45 CFR § 164.528.

(h) Individual Rights Requests. The Party identified on Attachment 2 of this Agreement ("Attachment 2") agrees to respond to requests to exercise the following HIPAA individual rights.

(i) Requests for an Accounting of Disclosures in accordance with 45 CFR § 164.528. upon termination of this Agreement, Claim Administrator will respond to an Individual's request for an Accounting of Disclosures of PHI for a period of up to six years.

(ii) Requests for Access in accordance with 45 CFR § 164.524. Upon termination of Agreement, Claim Administrator will respond to an Individual's request while it maintains the data.

(iii) Requests for an Amendment in accordance with 45 CFR § 164.526. GHP shall consult with Claim Administrator to determine if Claim Administrator created the PHI maintained in a designated record set for which amendment is sought. Upon termination of this Agreement, Claim Administrator will respond to an Individual's request during such time that Claim Administrator maintains the data.

(iv) Privacy Complaints in accordance with 45 CFR § 164.530(d).

(i) In instances when Claim Administrator conducts Standard Transactions on behalf of GHP, Claim Administrator will comply with HIPAA rules for Standard Transactions and Code Sets.

2. Obligations of GHP as Covered Entity.

(a) GHP shall identify and document any limitation(s) in the GHP's Notice of Privacy Practices, as required by 45 CFR § 164.520 or any changes to their privacy policies, procedures or practices that may affect TML Health's and/or Claim Administrator's Use or Disclosure of PHI on Attachment 2. GHP shall communicate any such limitations or changes to TML Health, and TML Health shall be responsible for any required communication with Claim Administrator.

CLAIM ADMINISTRATOR
BUSINESS ASSOCIATE AGREEMENT

(b) GHP is responsible for responding to restriction requests and confidential communications requests in accordance with 45 CFR § 164.522 (a) and (b). Prior to responding or approving any restriction or confidential communication requests, GHP will contact TML Health prior to agreeing to any requests. TML Health will in turn consult with Claim Administrator for information on the feasibility of implementing or accommodating the request.

(c) TML Health on behalf of the GHP shall provide Claim Administrator the necessary information to fulfill Claim Administrator's obligations under this Agreement, including but not limited to, a written statement of the restrictions for the Disclosure of PHI by TML Health to the Employer. Employer certifies that the Employer's benefit plan documents have been amended in compliance with 45 CFR § 164.314(b) and 45 CFR § 164.504(f) and that information from the applicable amendments shall be included in the written statement provided to Claim Administrator.

(d) GHP shall identify on Attachment 2, the names of the GHP employees that Claim Administrator through TML Health is permitted to directly Disclose PHI. GHP shall provide information on any limitations or restrictions on Claim Administrator's Disclosure to a GHP employee.

3. Permissible Requests by GHP as Covered Entity.

GHP and TML Health shall not request Claim Administrator to use or disclose PHI in any manner that would not be permissible under HIPAA if done by GHP, unless otherwise noted in this Agreement.

4. Term and Termination.

(a) Term. The Term of this Agreement shall be effective on the date stated on the first page of this Agreement and shall terminate without notice upon termination of any agreement or arrangement between the Parties for Claim Administrator to provide administrative services to Employer's self-insured health benefit welfare plan.

(b) Termination for Cause. Upon GHP's or TML Health's knowledge of a material breach by Claim Administrator, TML Health or GHP shall either:

(i) Provide an opportunity for Claim Administrator to cure the breach or end the violation. GHP may terminate this Agreement if Claim Administrator does not cure the breach or end the violation within a reasonable time frame agreed to by the parties; or

(ii) Immediately terminate this Agreement if Claim Administrator has breached a material term of this Agreement and cure is not possible.

(c) Effect of Termination. The Parties agree that returning or destroying the PHI is not feasible due to state or federal regulatory requirements applicable to TML Health, Claim Administrator and GHP and TML Health or Claim Administrator's record retention policies. TML Health and Claim Administrator shall extend the protections of this Agreement to such PHI, including limiting further Uses and Disclosures of the PHI to those purposes that make the return or destruction infeasible, for so long as TML Health and Claim Administrator maintains such PHI.

CLAIM ADMINISTRATOR
BUSINESS ASSOCIATE AGREEMENT

5. Miscellaneous.

(a) Regulatory References. Any regulatory reference to HIPAA found in this Agreement includes the relevant and applicable implementing regulations as issued and amended by the Secretary.

(b) Amendment. The Parties agree to take such action as is necessary to amend this Agreement as necessary for the Parties to comply with HIPAA as it may be amended from time to time.

(c) Survival. The respective rights and obligations of GHP and Claim Administrator under Section 4(c) of this Agreement shall survive the termination of this Agreement.

(d) Interpretation.

(i) Ambiguities in the Agreement will be resolved to permit Parties to comply with HIPAA.

(ii) Any conflict between the terms of this Agreement and any other agreement between the Parties concerning the Employer's health welfare benefits plan shall be resolved so the terms of this Agreement supersede and replace the relevant terms of any such other agreement concerning the use and disclosure of PHI, except for uses and disclosures permitted under the ASA or other agreements between the Parties. The foregoing notwithstanding, the Parties also acknowledge and agree that if Claim Administrator's Business Confidential Information (as defined in the ASA) is imbedded in the PHI data, then Claim Administrator retains its ownership of such Business Confidential Information.

(e) Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original, and all of which shall constitute one binding agreement.

(f) Severability. The provisions of this Agreement shall be severable, and if a provision is determined or declared to be illegal, invalid or unenforceable, the remainder of this Agreement will continue in full force and effect as if such illegal, invalid or unenforceable provision were not included.

(g) Notice. All notices, requests or demands and other communications from any of the Parties to the others related to this Agreement shall be made to the Privacy Officer of such other Party.

[SIGNATURE PAGE TO FOLLOW]

CLAIM ADMINISTRATOR
BUSINESS ASSOCIATE AGREEMENT

[SIGNATURE PAGE]

IN WITNESS WHEREOF, the Parties hereto have authorized this Agreement to be executed.

City of Big Spring,
**Employer [or Plan Sponsor] and
Employer on behalf of its Group Health
Plan, the Covered Entity:**

**Blue Cross and Blue Shield of Texas, a
Division of Health Care Service Corporation,
A Mutual Legal Reserve Company, the
Claim Administrator:**

Signature: _____

Signature: _____


Printed Name: _____

Printed Name: Jim Springfield

Title: _____

Title: Texas Plan President

Date: _____

Date: November 14, 2022

**TML MultiState Intergovernmental Employee Benefits Pool
d/b/a TML Health Benefits Pool**

Signature: _____

Printed Name: Jennifer Hoff

Title: Executive Director

Date: _____

Approved as to Form:

Signature: _____

Printed Name: Nate Danko

Title: Interim General Counsel

**ATTACHMENT 1: BREACH OBLIGATIONS
ATTACHMENT 2: ADDITIONAL INFORMATION FORM**

CLAIM ADMINISTRATOR
BUSINESS ASSOCIATE AGREEMENT

ATTACHMENT 1: Breach Obligations

GHP delegates the following to Claim Administrator:

- Investigation of any unauthorized access, use, or disclosure of GHP member PHI by Claim Administrator and its subcontractors.
- Determination whether there is a low probability that the PHI has been compromised based on a risk assessment as provided for in HIPAA.
- Determination on whether a notification exception under HIPAA applies to the incident
- Documentation and retention of each Breach risk assessment and exception analyses and make this information available to TML Health who will then make it available to GHP, upon request.
- Written notification to TML Health describing the Breach incident in detail including a list of the impacted members and/or a copy of a member notification.
- Notification to any individual impacted by the Breach within the applicable statutory notification period and provision of toll-free numbers for individuals who may have questions regarding the incident. The notification will include the following:
 - Description of the incident, including date of Breach and date it was discovered;
 - Description of the types of PHI involved in the Breach (i.e., name, birth date, home address, account number, Social Security Number, etc.);
 - Listing of steps individuals should take to protect themselves from potential harm; and
 - Description of the actions that Claim Administrator is taking to mitigate the harm and avoid further incidents.
- Provision of a substitute notice, as described in HIPAA, to impacted individuals if there is insufficient mailing address information.
- Submission of breach reports to DHHS regarding incidents that impact fewer than 500 individuals. Upon TML Health's request as instructed by GHP, provide, a list of the reports that were submitted.
- Notification to DHHS in the event the Breach impacts more than 500 individuals and notification to the GHP that such a notification was made.
- Notification to the media in the event the Breach impacts more than 500 residents of a state or jurisdiction and notify GHP that such notifications were made.

These services may need to change to comply with new HIPAA requirements or DHHS guidance.

Any information provided in Attachment 1 or pursuant to the services described in Attachment 1 shall not be construed as legal advice or as a legal opinion on any specific requirements under HIPAA and does not replace any independent legal counsel's guidance.

CLAIM ADMINISTRATOR
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ATTACHMENT 2: Additional Information Form for Self-Funded Accounts

This replaces and amends any existing Additional Information Form
(Please print or type & complete the form in its entirety)

Note: When information changes, the GHP must provide an updated form to Claim Administrator.

The Law Offices of R. Shane Seaton

A Professional Limited Liability Company

1301 SOUTH GREGG STREET
P.O. BOX 2211
BIG SPRING, TEXAS 79721-2211

BigSpringLaw.com

R. SHANE SEATON, ATTORNEY AT LAW
E-Mail: staff@BigSpringLaw.com

TEL. No. (432) 264-1800
FAX No. (432) 264-0785

December 1, 2022

Via Email at ahegan@mybigspring.com

Honorable Mayor Robert H. Moore, III
and Big Spring City Council
310 Nolan
Big Spring, Texas 79720

Dear City Council:

As you know, I will begin my newly elected position as 118th Judicial District Judge on January 1, 2023. Additionally, the bylaws of the Big Spring Economic Development Corporation prohibit any elected official from serving as a director. Accordingly, I will resign my position on the EDC Board, which shall be effective December 31, 2022 at 11:59 p.m.

It has been my pleasure to serve on the Big Spring Economic Development Corporation board since 2020. When looking back over the period that I have served, I am thankful for the people I have met and pleased with what we have accomplished together for Big Spring, Howard County, and the surrounding area. I believe that a truly amazing economic future lies ahead for our community.

Again, I thank you for the opportunity to have served on the board. I wish the EDC Board all the best in its efforts to grow the economic opportunities for our community.

Best regards,



R. Shane Seaton

RSS/md

cc: Mark Willis, Executive Directive EDC
Raul Benavidez, President EDC