



CITY COUNCIL REGULAR AGENDA

Tuesday, June 27, 2023

Notice is hereby given that the City Council of the City of Big Spring, Texas will meet in Regular Session on Tuesday, June 27, 2023, 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 |
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Announcements, Presentations and Public Hearings

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

- | | | |
|---|---------|--------|
| 5. PUBLIC HEARING - Regarding the Request for the Renaming of Sage Circle to Shroff Circle. | 6-7 | Bowles |
| 6. PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 511 N NOLAN, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: SE/4 OF SC 42 BK 32 1N TR 41 WILLIAM B CURRIE 40X163 808 0.15 ACRES - OWNER: ESTATE of ENRIQUE SOTELO | 8-38 | Hagen |
| 7. PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 602 E 16TH STREET, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: E/2 OF LT 2 ALL 3 BK 21 COLE & STRAYHORN 75X140 811 BLK/TRACT 21 0.241 ACRES ACQ 04162020 - OWNER: KANIEL MIRAMONTES | 39-73 | Hagen |
| 8. PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 706 W 6TH ST, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: E/40 OF LT 7 BK 9 EARLES 40X50 667 ACQ 060506 BLK/TRACT 9 0.046 ACRES - OWNER: ALBINO ALBIAR | 74-110 | Hagen |
| 9. PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 1312 LINDBERGH, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: LTS 2-12 BK 6 WRIGHTS AIRPORT 550X130 MH 28X73 LABEL #PFS0588954 PFS0588955 2005 COMB ACCT B6240007600 & 7602 & 7603 653 653.01 653.02 BLK/TRACT BK 6 1.641 ACRES- OWNER: ESTATE of ROY ROBERSON AND ESTATE of ROMA MARIE ROBERSON | 111-142 | Hagen |

City Manager's Report

- | | |
|--|--------|
| 10. City Manager's report on the following items: | Darden |
| <ul style="list-style-type: none">• Update - Large Item Pickup, District 6-June 21, 2023• Update - Animal Shelter Open House• Update - Downtown Waterline Replacement• City Holiday - July 4, 2023 - Independence Day | |

Consent Items

- | | | |
|--|---------|----------|
| 11. Approval of the City Council Minutes of the Regular Meeting of June 13, 2023. | 143-150 | Davis |
| 12. 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 General Fund Budget for the Purpose of the Continued Funding of the Fire Department Employees that were Funded Through the Safer Grant; Providing for Severability; Providing for Publication; and Providing an Effective Date | 151-153 | S. Smith |
| 13. 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 General Fund Budget for the Purpose of the Repair of the Traffic Light at 11th and Birdwell; Providing for Severability; Providing for Publication; and Providing an Effective Date | 154-156 | Bowles |
| 14. Final Reading of a Resolution Adopting Plans, Policies, and Procedures that Support the Civil Rights of All Persons Affected by the CDBG Project; Providing for Repeal of Conflicting Resolutions; Providing a Savings and Severability Clause; Finding and Determining that the Meeting at Which the Resolution was Discussed was Open to the Public as Required by Law; and Establishing an Effective Date | 157-175 | Medina |

Vouchers

- | | | |
|---------------------------|-----------------|----------|
| 15. Vouchers for 05/25/23 | \$ 336,639.36 | Tompkins |
| Drafts | \$ 1,207,061.64 | |
| 16. Vouchers for 06/16/23 | \$ 909,019.95 | M. Smith |
| Drafts | \$ 741,733.75 | |

Bids

- | | | |
|--|-----|--------|
| 17. Consideration and Possible Action on Awarding a Bid for a 14ft Dump Trailer for the Parks Department and Authorizing the City Manager or His Designee to Execute any Necessary Documents | 176 | Medina |
|--|-----|--------|

New Business

- | | | |
|---|---------|--------|
| 18. First Reading of an Ordinance to Rename the City Street "Sage Circle" to "Shroff Circle" and Authorizing the City Manager to Take all Necessary Action to Effect this Change; Providing for Repeal of Conflicting Ordinances; Providing for a Severability Clause; Finding and Determining that the Meetings at Which the Ordinance was Discussed were Open to the Public as Required by Law; and Establishing an Effective Date | 177-178 | Bowles |
| 19. First Reading of an Ordinance Granting to Atmos Energy Corporation (A Texas and Virginia Corporation, with its Principal Office in the City of Dallas, Dallas County, Texas) the Franchise and Rights to Conduct in Such City the Business of Acquiring, Maintaining, Constructing, Laying, Repairing, Removing, Replacing, Installing, Operating, and Disposing of a Gas System for the Sale, Transportation, and Distribution of Natural Gas Within the Municipal Boundaries of the City and to the Residents and Businesses Located Therein for Light, Heat, Power and any Other Purposes and the Right to Use the Present and Future Streets, Roads, Highways, Alleys, Public Ways, and Real Property in Such City and Owned or Controlled by Such City for Such Purposes; Prescribing the Terms and Conditions to Which Such Franchise and Rights are Subject; Prescribing the Term of Such Franchise and Rights; Providing for Repeal of Conflicting Ordinances; Providing for a Severability Clause; Finding and Determining that the Meetings at Which the Ordinance was Discussed Were Open to the Public as Required by Law; and Establishing an Effective Date | 179-189 | Medina |

Council Input

- | | |
|-----------|-------|
| 20. Input | Moore |
|-----------|-------|

Executive Session

- | | |
|---|-------|
| 21. Adjourn into Executive Session in Matters Covered by Texas Government Code Section 551.074 "Personnel Matters; Closed Meeting" to Deliberate the Evaluation of the following:
City Attorney | Moore |
| 22. Reconvene into Open Session and Take Any Necessary Action pm Execitove Sesson Item | Moore |
| 23. 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, June 23, 2023 at 4:30 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.



Public Works Department

310 Nolan, Big Spring, Tx 79720

Phone: 432.264.2501

Fax: 432.267.8310

Renaming Street Application

Applicants Name: Manish H. Shroff Date: 12/7/22

Applicants Address: 715 SAGE CIRCLE

Applicant phone: 432-267-3041 Home 432 816-1483
cell.

Current Street Name: SAGE CIRCLE

Proposed Street Name: ~~DESTA~~ Dr Manish Shroff street.

Reason for request: only house on the street. staying there
for since 1997 and will be staying there.

Attached should be a petition with all affected addresses signing consent to the same as per the tax roll as well as \$250.00 non-refundable application fee.

FOR OFFICE USE ONLY

Date Received:

Date of Traffic Commission:

Approved: Y N

Receipt of \$25 per affected household

Date of Planning & Zoning:

Approved: Y N

(Must have appropriate public hearing notifications)

Appeal? Y N N/A

Date of City Council Hearing:

Approved Y N

(Must have appropriate public hearing notifications)

After final approval of City Council notification of legal change to Street Map/Tax Rolls/Government Entities/Post Office and in Legal Notices in paper

October 24, 2022

City of Big Spring
Attn: Todd Darden, City Manager
310 Nolan St.
Big Spring, TX 79720

Re: Street Known as "Sage Circle"

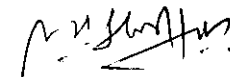
Dear Mr. Darden:

My name is Manish Shroff and I own the property located at 715 Sage Circle, Big Spring, TX. I bought this property August 28, 1996 and built my current residence there and I have been residing there since that date. My house is the only house located on Sage Circle. I do have two neighbors that adjoin my property, but their addresses are on Caprock Dr.

I am requesting to change the name of Sage Circle to Shroff Circle. Me and my family intend on living at this residence until the day we die. In addition, I am willing to obtain the consent of my two neighbors for this street name change. I am also willing to pay the costs for the replacement of the street sign and to notify US Postal Service, Google Maps, Apple, Garmin and any other data base that may need to be notified of the name change.

Please let me know if there is a procedure I must follow to obtain the name change of the street. I appreciate everything you do for the city and if you have any questions for me, please don't hesitate to contact me at (432) 816 1483.

Sincerely,



Manish Shroff

511 N NOLAN

Code Compliance Official: Kaleb Smith

Exhibit E-1

STATE OF TEXAS

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COUNTY OF HOWARD

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**AFFIDAVIT OF KALEB SMITH
CONCERNING 511 N NOLAN**

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:

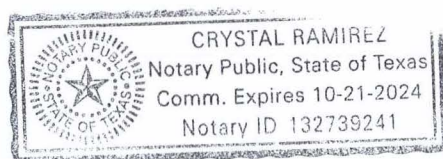
“I am a Code Compliance Official for the City of Big Spring, Texas. In the course of my duties, I inspect properties for compliance with Texas state law and the ordinances of the City of Big Spring. I am an employee of the City of Big Spring and am familiar with the manner in which its records are created and maintained by virtue of my duties and responsibilities. Attached are pages of records relating to the Code Compliance Case for **511 N NOLAN**, 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.”

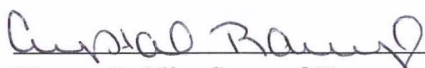
SIGNED on the 19th day of June, 2023.



AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of June, 2023 by the above referenced Affiant.





Notary Public, State of Texas

Exhibit E-2

Property Details

Account		
Property ID:	294446	Geographic ID: 51442033100
Type:	Real	Zoning:
Property Use:		Condo:
Location		
Situs Address:	511 N NOLAN	
Map ID:		Mapsco:
Legal Description:	SE/4 OF SC 42 BK 32 1N TR 41 WILLIAM B CURRIE 40X163 808 0.15 ACRES	
Abstract/Subdivision:		
Neighborhood:	NTSD	
Owner ?		
Owner ID:	295023	
Name:	SOTELO ENRIQUE	
Agent:		
Mailing Address:	511 N NOLAN BIG SPRING , TX 79720	
% Ownership:	100.0%	
Exemptions:	For privacy reasons not all exemptions are shown online.	

Property Values

Improvement Homesite Value:	\$10,249 (+)
Improvement Non-Homesite Value:	\$0 (+)
Land Homesite Value:	\$1,760 (+)
Land Non-Homesite Value:	\$0 (+)
Agricultural Market Valuation:	\$0 (+)

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
511 N NOLAN CASE NOTES**

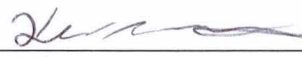
“This record, attached as **Exhibit E-3**, was made at or near the time by – or from information transmitted by a person or persons with the City with knowledge.

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-3** as the readout.”

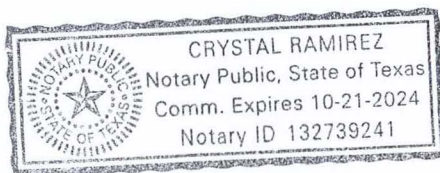
SIGNED on the 19th day of June, 2023.



AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of June, 2023

by the above referenced Affiant.





Notary Public, State of Texas

Exhibit E-3

NOTES

Incident Notes:

Task #: 115025 - INSPECT SUBSTANDARD - 3/21/2023

3/21/23 Inspected property on 2/9/2023 as I noticed the property was substandard. The roof is in disrepair and is caving in on itself. There appears to be missing walls around. The front door appears that it may not be fully secured. Sent notice of violation to property owner Enrique Sotelo.

5/5/23 Inspected property and found that nothing had been done to fix it or demolish. Turning in for abatement to the legal department.

5/18/23 Found an obituary for the property owner.

TASK #: 115019
TASK CODE: INSPECT WEEDL LOT
PROPERTY: 511 N NOLAN ST

ORIG. DATE:
DUE DATE:

NOTES

Incident Notes:

Task #: 115019 - INSPECT WEEDL LOT - 3/21/2023
3/21/23 Inspected property on 2/9/2023 as I noticed the property was
overgrown and needs to be mowed. Sent notice of violation to the property
owner Enrique Sotelo.
5/5/23 Inspected property and found that no progress has been made.
Turning in to legal department for abatement.
5/18/23 Found an obituary for the property owner.

Task #: 115020 - WEEDY LOT LTR - 3/21/2023

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION OF
PHOTOGRAPHS BY KALEB SMITH**

“With regard to the photographs in **Exhibits E-4** I am familiar with and recognize the scene depicted in the photographs. On February 9th, 2023 and May 5th, 2023, I inspected the property described as:

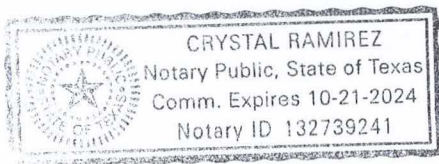
SE/4 OF SC 42 BK 32 1N TR 41 WILLIAM B CURRIE 40X163 808 01.15
ACRES Big Spring, Howard County, Texas, also known as **511 N NOLAN**, Big
Spring, Texas.

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

SIGNED on the 19th day of June, 2023.

[Signature]
AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of June, 2023
by the above referenced Affiant.



[Signature]
Notary Public, State of Texas

Exhibit E-4



2023. 2. 9 12:31



2023. 2. 9 12:31



2023. 5. 5 7:57







Exhibit E-5

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
NOTICE SENT BY KALEB SMITH**

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

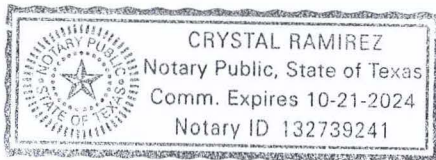
Certified Mail Return for **Exhibit E-6** is also attached.

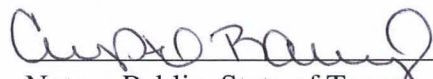
SIGNED on the 19th day of June, 2023.



AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of June, 2023
by the above referenced Affiant.





Notary Public, State of Texas

Exhibit E-6



Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2504

NOTICE OF VIOLATION AND ORDER TO ABATE

511 N NOLAN

Lot: SE/4 OF SC 42 BK: 32 1N TR 41 WILLIAM B CURRIE 808

March 21, 2023

Case No: 72476

ENRIQUE SOTELO
511 N NOLAN
BIG SPRING, TX 79720

Sent via: Certified 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
Sec. 304.1.1 Unsafe Conditions	7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects. 8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.
Sec. 304.18 Building Security	Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

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

511 N NOLAN ST

Lot: BK: SE 4 OF SC 42 BK 32 1N WILLIAM B CURRIE TR 41 PARCEL 808

March 21, 2023

Case No: 72475

ENRIQUE SOTELO
511 N NOLAN ST
BIG SPRING TX 79720-1449

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

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 read 'Kaleb Smith', with a stylized flourish at the end.

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 NOTICE OF HEARING

Sent via: Certified Mail; Return Receipt Requested

June 16, 2023

Enrique Sotelo
511 N Nolan
Big Spring, Texas 79720

Caterino Sotelo
8860 Thomas St, Unit 9
Sherwood, AR, 792120

Manuela Escovedo
9 Greenmere Ln
North Little Rock, AR 792120

Anita Sotelo
1700 S Lancaster, Unit 7
Big Spring, TX 79720

Re: 511 N NOLAN, BIG SPRING, TEXAS 79720
LEGAL DESCRIPTION: SE/4 OF SC 42 BK 32 1N TR 41 WILLIAM B CURRIE
40X163 808 01.15 ACRES, Howard County

Big Spring Code Compliance has determined that at the following structure(s): All structures, at the property as stated above, is/are in violation of the following section(s) of the **Property Maintenance Code of Big Spring (PMC)**, constituting a nuisance:

VIOLATION	DESCRIPTION OF VIOLATION
111.1.5 HAZARDOUS STRUCTURE OR PREMISES. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as follows shall be considered to be hazardous: 11. 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.	The building had fire damage to the roof that has not been repaired. Hazardous condition.
304.1.1 UNSAFE CONDITIONS. The following	The roof appears to admit rain and

conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and in capable of supporting all nominal loads and resisting all load effects.	has signs of deterioration. Unsafe condition.
304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.	The roof has defects that admit rain and is not sound and not tight.

The following actions are required to correct the violation(s) at the structure(s) as stated above:

Corrective Action Sought by Code Compliance

Secure and vacate the structure(s) until the violation(s) are resolved, and:

**Demolish and Remove
of structure(s).**

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

Issued by

Nick Reyna

Name

Building Official

Title

+1 (432) 264-2503

Phone

nreyna@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 **5:30 PM, June 27, 2023** 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 A-1.10. Rights of Parties

- (a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.
- (b) 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.
- (c) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.
- (d) 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.

Section C-9.02 (c)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 Hearing Board enters an order to abate the violation(s) at the structure(s) at the property, the order is preliminary, allowing you to appeal the order to 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 become the final order.

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,



Nick Reyna, Building Official
City of Big Spring, Texas

Exhibit E-8



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 **JUNE 27th, 2023, 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:

1312 LINDBERG, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LTS 2-12 BK 6 WRIGHTS AIRPORT 550X130 MH 28X73 LABEL #PFS588954 PFS0588955 2005 COMB ACCT B6240007600 & 7602 & 7603 653 653.01 653.02 BLK/TRACT BK 6 1.641 ACRES- OWNER: ESTATE of ROY ROBERSON and ESTATE of ROMA MARIE ROBERSON

602 E 16th ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: E/2 OF LT 2 ALL 3 BK 21 COLE & STRAYHORN 5X140 811 BLK/TRACT 21 0.241 ACRES ACQ 04162020– OWNER: KANIEL MIRAMONTES

706 W 6th ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: E/40 OF LT 7 BK 9 EARLES 40X50 667 ACQ 060506 BLK/TRACT 9 0.046 ACRES – OWNER: ALBINO ALBIAR

805 ROSEMONT, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: N/45 OF LT 2 & S/30 OF LT 3 BK 2 CENTRAL PARK IRR 1154 BLK/TRACT 2 0.215 ACRES ACQ 01242022 – OWNER: MARTHA MUNOZ and ANASTACIO MUNOZ

511 N NOLAN, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: SE/4 OF SC 42 BK 32 1N TR 41 WILLIAM B CURRIE 40X163 808 0.15 ACRES– OWNER: ESTATE of ENRIQUE SOTELO

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.

Nick Reyna

Nick Reyna, Building Official, City of Big Spring

602 E 16TH ST

Code Compliance Official: Ashley Guerra

Exhibit D-1

STATE OF TEXAS

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COUNTY OF HOWARD

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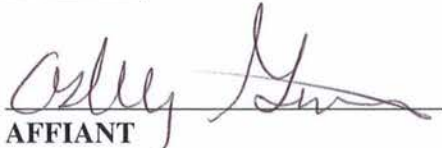
**AFFIDAVIT OF ASHLEY GUERRA
CONCERNING 602 E 16TH ST**

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

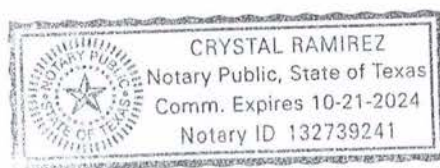
“My name is **Ashley Guerra**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

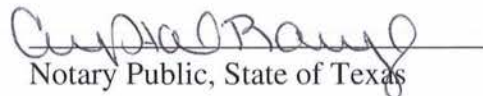
“I am a Code Compliance Official for the City of Big Spring, Texas. In the course of my duties, I inspect properties for compliance with Texas state law and the ordinances of the City of Big Spring. I am an employee of the City of Big Spring and am familiar with the manner in which its records are created and maintained by virtue of my duties and responsibilities. Attached are pages of records relating to the Code Compliance Case for **602 E 16TH ST**, 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 19 day of June, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of June, 2023 by the above referenced Affiant.




Notary Public, State of Texas

Property Details

Account		
Property ID:	279014	Geographic ID: B2880020400
Type:	Real	Zoning:
Property Use:		Condo:
Location		
Situs Address:	602 E 16TH	
Map ID:		Mapsco:
Legal Description:	E/2 OF LT 2 ALL 3 BK 21 COLE & STRAYHORN 75X140 811 BLK/TRACT 21 0.241 ACRES ACQ 04162020	
Abstract/Subdivision:		
Neighborhood:	GOLD GOLIAD	
Owner ?		
Owner ID:	431346	
Name:	MIRAMONTES KANIEL	
Agent:		
Mailing Address:	PO BOX 2955 BIG SPRING, TX 79720	
% Ownership:	100.0%	
Exemptions:	For privacy reasons not all exemptions are shown online.	

Property Values

Improvement Homesite Value:	\$17,183 (+)
Improvement Non-Homesite Value:	\$0 (+)
Land Homesite Value:	\$6,563 (+)
Land Non-Homesite Value:	\$0 (+)
Agricultural Market Valuation:	\$0 (+)

Market Value:	\$23,746 (=)
Agricultural Value Loss: ⓘ	\$0 (-)
Appraised Value:	\$23,746 (=)
Homestead Cap Loss: ⓘ	\$0 (-)
Assessed Value:	\$23,746
Ag Use Value:	\$0

VALUES DISPLAYED ARE 2023 PRELIMINARY VALUES AND ARE SUBJECT TO CHANGE PRIOR TO CERTIFICATION.

Information provided for research purposes only. Legal descriptions and acreage amounts are for appraisal district use only and should be verified prior to using for legal purpose and or documents. Please contact the Appraisal District to verify all information for accuracy.

Property Taxing Jurisdiction

Owner: MIRAMONTES KANIEL %**Ownership:** 100.0%

Entity	Description	Tax Rate	Market Value	Taxable Value	Estimated Tax	Freeze Ceiling
01H	HOWARD COUNTY	0.238916	\$23,746	\$23,746	\$56.73	
02B	CITY OF BIG SPRING	0.673163	\$23,746	\$23,746	\$159.85	
03B	BIG SPRING ISD	0.930900	\$23,746	\$23,746	\$221.05	
052	HOWARD COLLEGE	0.168395	\$23,746	\$23,746	\$39.99	

Total Tax Rate: 2.011374

Estimated Taxes With Exemptions: \$477.62

Estimated Taxes Without Exemptions: \$477.62

Exhibit D-2

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
602 E 16TH ST CASE NOTES**

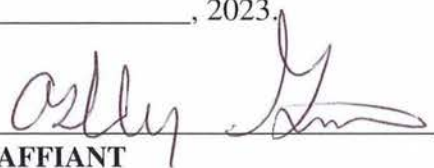
“This record, attached as **Exhibit D-3**, was made at or near the time by – or from information transmitted by a person or persons with the City with knowledge.

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.

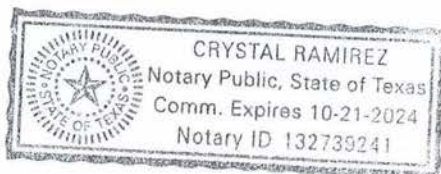
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout 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-3** as the readout.”

SIGNED on the 19 day of June, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of June, 2023

by the above referenced Affiant.



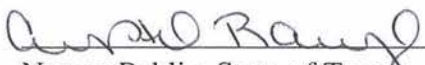

Notary Public, State of Texas

Exhibit D-3

05-11-2023 08:37 AM

TASK NOTES REPORT

TASK #: 115746

ORIG. DATE:

TASK CODE: INSPECT SUBSTANDARD

DUE DATE:

PROPERTY: 602 E 16TH

NOTES

Incident Notes:

Task #: 115746 - INSPECT SUBSTANDARD - 5/11/2023

Task #: 115747 - SUBSTANDARD BLD - 5/11/2023

ON 1-18-23 NOTICED A SUBSTANDERED STRUCTURE BOTH FRONT AND BACK DOOR ARE

WIDE OPEN WINDOWS BUSTED OUT

OWNER OF THE PROPERTY IS KANIEL MIRAMONTES

DID A REINSPECTED ON 5-11-23

SENT TO LEGAL ON 5-11-23

STATE OF TEXAS

COUNTY OF HOWARD

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§

**CERTIFICATION OF
PHOTOGRAPHS BY ASHLEY GUERRA**

“With regard to the photographs in **Exhibits D-4** I am familiar with and recognize the scene depicted in the photographs. On May, 11th, 2023, I inspected the property described as:

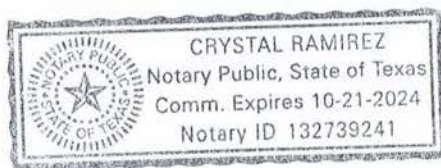
E/2 OF LT 2 ALL 3 BK 21 COLE & STRAYHORN 75X140 811 BLK/TRACT
21 0.241 ACRES ACQ 04162020 Big Spring, Howard County, Texas, also
known as **602 E 16TH ST**, Big Spring, Texas.

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

SIGNED on the 19 day of June, 2023.

Ashley Guerra
AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of June, 2023
by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit D-4



5/11/2023 8:22





5/11/2023 8:22



5/11/2023

8:22





1/18/2023 15:27





1/18/2023 15:25





5/11/2023 8:23





Exhibit D-5

STATE OF TEXAS

§

COUNTY OF HOWARD

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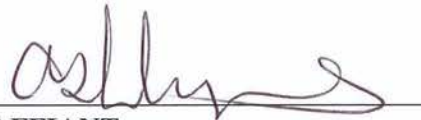
§

**CERTIFICATION
NOTICE SENT BY ASHLEY GUERRA**

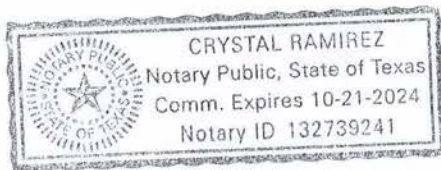
“The document in **Exhibit D-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

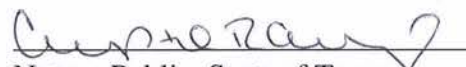
Certified Mail Return for **Exhibit D-6** is also attached.

SIGNED on the 19 day of June, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of June, 2023
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

602 East 16th
Lot: 2 BK: 21 Cole

May 11, 2023

Case No: 72919

Kaniel Miramontes
602 East 16Th
BIG SPRING TX 79720

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 (Tree branches old cart) that need to be removed from public view. 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

ASHLEY GUERRA

Name

Code Compliance

Department

432-264-2505

Phone

aguerra@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,

Code Compliance Officer
City of Big Spring, Texas



NOTICE OF VIOLATION AND NOTICE OF HEARING

Sent via: Certified Mail; Return Receipt Requested

June 16, 2023

Kaniel Miramontes
PO Box 2955
Big Spring, Texas 79720

Re: 602 E 16TH ST, BIG SPRING, TEXAS 79720
LEGAL DESCRIPTION: E/2 OF LT 2 ALL 3 BK 21 COLE & STRAYHORN
75X140 811 BLK/TRACT 21 0.241 ACRES ACQ 04162020, Howard County

Big Spring Code Compliance has determined that at the following structure(s): All structures, at the property as stated above, is/are in violation of the following section(s) of the **Property Maintenance Code of Big Spring (PMC)**, constituting a nuisance:

VIOLATION	DESCRIPTION OF VIOLATION
111.1.5 HAZARDOUS STRUCTURE OR PREMISES. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as follows shall be considered to be hazardous: 11. 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.	The building had fire damage to the roof that has not been repaired. Hazardous condition.
304.1.1 UNSAFE CONDITIONS. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and in capable of supporting all nominal loads and resisting all load effects.	The roof appears to admit rain and has signs of deterioration. Unsafe condition.
304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have	The roof has defects that admit rain and is not sound and not tight.

defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.	
--	--

The following actions are required to correct the violation(s) at the structure(s) as stated above:

Corrective Action Sought by Code Compliance

Secure and vacate the structure(s) until the violation(s) are resolved,
and:

Demolish and Remove
of structure(s).

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

Issued by

Nick Reyna

Name

Building Official

Title

+1 (432) 264-2503

Phone

nreyna@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 **5:30 PM, June 27, 2023** 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 A-1.10. Rights of Parties

(a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

(b) 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.

(c) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.

(d) 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.

Section C-9.02 (c)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 Hearing Board enters an order to abate the violation(s) at the structure(s) at the property, the order is preliminary, allowing you to appeal the order to 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 become the final order.

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,

Nick Reyna, Building Official
City of Big Spring, Texas

Exhibit D-6

Exhibit D-8



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 JUNE 27th, 2023, 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:

1312 LINDBERG, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LTS 2-12 BK 6 WRIGHTS AIRPORT 550X130 MH 28X73 LABEL #PFS588954 PFS0588955 2005 COMB ACCT B6240007600 & 7602 & 7603 653 653.01 653.02 BLK/TRACT BK 6 1.641 ACRES- OWNER: ESTATE of ROY ROBERSON and ESTATE of ROMA MARIE ROBERSON

602 E 16th ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: E/2 OF LT 2 ALL 3 BK 21 COLE & STRAYHORN 5X140 811 BLK/TRACT 21 0.241 ACRES ACQ 04162020– OWNER: KANIEL MIRAMONTES

706 W 6th ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: E/40 OF LT 7 BK 9 EARLES 40X50 667 ACQ 060506 BLK/TRACT 9 0.046 ACRES – OWNER: ALBINO ALBIAR

805 ROSEMONT, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: N/45 OF LT 2 & S/30 OF LT 3 BK 2 CENTRAL PARK IRR 1154 BLK/TRACT 2 0.215 ACRES ACQ 01242022 – OWNER: MARTHA MUNOZ and ANASTACIO MUNOZ

511 N NOLAN, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: SE/4 OF SC 42 BK 32 IN TR 41 WILLIAM B CURRIE 40X163 808 0.15 ACRES– OWNER: ESTATE of ENRIQUE SOTELO

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.

Nick Reyna
Nick Reyna, Building Official, City of Big Spring

706 W 6TH

Code Enforcement Officer: Malissa Garcia

Exhibit C-1

STATE OF TEXAS

§

§

COUNTY OF HOWARD

§

**AFFIDAVIT OF MALISSA GARCIA
CONCERNING 706 W 6TH**

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

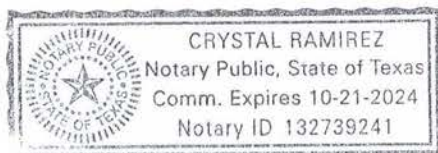
“My name is **Malissa Garcia**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

“I am a Code Enforcement Officer 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 **706 W 6TH**, 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 19 day of June, 2023.

M Garcia
AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of June, 2023 by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit C-2

Property Details

Account		
Property ID:	280804	Geographic ID: B3180013200
Type:	Real	Zoning:
Property Use:		Condo:
Location		
Situs Address:	706 W 6TH	
Map ID:		Mapsco:
Legal Description:	E/40 OF LT 7 BK 9 EARLES 40X50 667 ACQ 060506 BLK/TRACT 9 0.046 ACRES	
Abstract/Subdivision:		
Neighborhood:	CDCS CEDAR CREST	
Owner ⓘ		
Owner ID:	297465	
Name:	ALBIAR ALBINO	
Agent:		
Mailing Address:	706 W 6TH BIG SPRING , TX 79720	
% Ownership:	100.0%	
Exemptions:	For privacy reasons not all exemptions are shown online.	

Property Values

Improvement Homesite Value:	\$1,351 (+)
Improvement Non-Homesite Value:	\$0 (+)
Land Homesite Value:	\$0 (+)
Land Non-Homesite Value:	\$2,000 (+)
Agricultural Market Valuation:	\$0 (+)

Market Value:	\$3,351 (=)
Agricultural Value Loss: ⓘ	\$0 (-)
Appraised Value:	\$3,351 (=)
Homestead Cap Loss: ⓘ	\$0 (-)
Assessed Value:	\$3,351
Ag Use Value:	\$0

VALUES DISPLAYED ARE 2023 PRELIMINARY VALUES AND ARE SUBJECT TO CHANGE PRIOR TO CERTIFICATION.

Information provided for research purposes only. Legal descriptions and acreage amounts are for appraisal district use only and should be verified prior to using for legal purpose and or documents. Please contact the Appraisal District to verify all information for accuracy.

Property Taxing Jurisdiction

Owner: ALBIAR ALBINO %**Ownership:** 100.0%

Entity	Description	Tax Rate	Market Value	Taxable Value	Estimated Tax	Freeze Ceiling
01H	HOWARD COUNTY	0.238916	\$3,351	\$3,351	\$8.01	
02B	CITY OF BIG SPRING	0.673163	\$3,351	\$3,351	\$22.56	
03B	BIG SPRING ISD	0.960900	\$3,351	\$3,351	\$32.20	
052	HOWARD COLLEGE	0.168395	\$3,351	\$3,351	\$5.64	

Total Tax Rate: 2.041374

Estimated Taxes With Exemptions: \$68.41

Estimated Taxes Without Exemptions: \$68.41

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
706 W 6TH CASE NOTES**

“This record, attached as **Exhibit C-3**, 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.

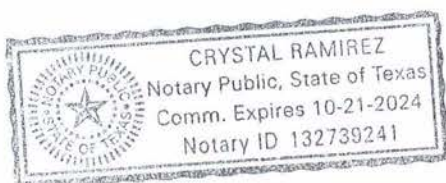
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout 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 C-3** as the readout.”

SIGNED on the 19 day of June, 2023.

M Garcia
AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of June, 2023

by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit C-3

TASK #: 115683
TASK CODE: INSPECT SUBSTANDARD
PROPERTY: 706 W 6TH ST

ORIG. DATE:
DUE DATE:

NOTES

Incident Notes:

Task #: 115683 - INSPECT SUBSTANDARD - 5/04/2023

Task #: 115684 - SUBSTANDARD BLD - 5/04/2023
4-17-2023 drove by this property and notice weeds overgrown into the street and alley area. there are piles of tree limbs and a structure that has no windows or doors the roof looks ok but the building needs to be secure

05-04-2023 04:23 PM

TASK NOTES REPORT

TASK #: 115668

ORIG. DATE:

TASK CODE: INSPECT WEEDL LOT

DUE DATE:

PROPERTY: 706 W 6TH ST

NOTES

Incident Notes:

Task #: 115668 - INSPECT WEEDL LOT - 5/04/2023

Task #: 115669 - WEEDY LOT LTR - 5/04/2023

4-17-2023 drove by and seen weeds overgrown coming into the street and alley area. it needs to be mowed

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION OF
PHOTOGRAPHS BY MALISSA GARCIA**

“With regard to the photographs in **Exhibits C-4** I am familiar with and recognize the scene depicted in the photographs. On April, 17th, 2023, I inspected the property described as:

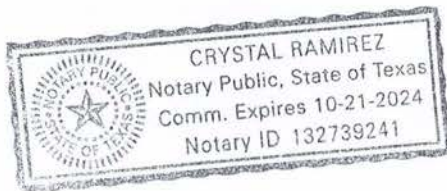
E/40 OF LT 7 BK 9 EARLES 40X50 667 ACQ 060506 BLK/TRACT 9 0.046
ACRES Big Spring, Howard County, Texas, also known as **706 W 6TH**, Big
Spring, Texas.

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

SIGNED on the 19 day of June, 2023.

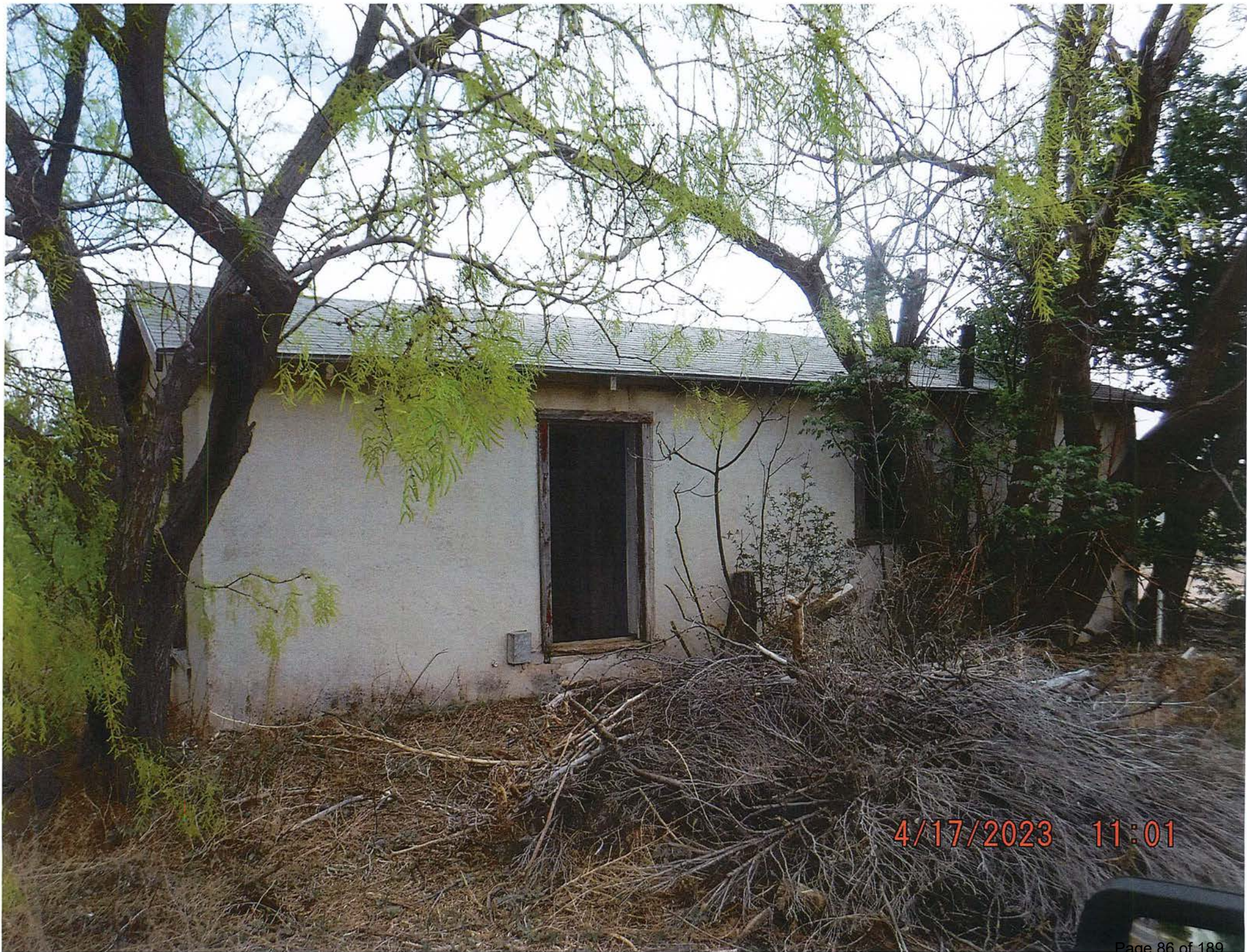
M. Garcia
AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of June, 2023
by the above referenced Affiant.



Amy O. Ramirez
Notary Public, State of Texas

Exhibit C-4



4/17/2023 11:01







4/17/2023 11:00





4/17/2023 11:01



4/17/2023 11:02

Exhibit C-5

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
NOTICE SENT BY MALISSA GARCIA**

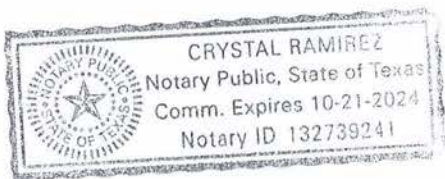
“The document in **Exhibit C-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

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

SIGNED on the 19 day of June, 2023.

M. Garcia
AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of June, 2023
by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit C-6



Code Compliance

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

NOTICE OF VIOLATION AND ORDER TO ABATE

706 W 6TH ST
Lot: E/40' LT 7 BK: 9 EARLES

May 4, 2023

Case No: 72877

ALBINO ALBIAR
706 W 6TH
BIG SPRING TX 79720

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
High weeds and grass, needs to be mowed to the center of the easement including alley and curb line. 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

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 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,

A handwritten signature in blue ink that reads "M. Garcia". The signature is written in a cursive, flowing style.

Code Compliance Officer
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

706 W 6TH ST
Lot: E/40' LT 7 BK: 9 EARLES

May 4, 2023

Case No: 72879

ALBINO ALBIAR
706 W 6TH
BIG SPRING TX 79720

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 (piles of tree limbs and accumulation) that need to be removed from public view. 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

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,

A handwritten signature in blue ink that reads "M. Garcia". The signature is written in a cursive, flowing style.

Code Compliance Officer
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

706 W 6TH ST
Lot: E/40' LT 7 BK: 9 EARLES

May 4, 2023

Case No: 72883

ALBINO ALBIAR
706 W 6TH
BIG SPRING TX 79720

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
CLEAN 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 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 that reads "M. Garcia". The signature is written in a cursive, flowing style.

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 NOTICE OF HEARING

Sent via: Certified Mail; Return Receipt Requested

June 16, 2023

Albino Albiar
706 W 6th St
Big Spring, Texas 79720

Re: 706 W 6TH, BIG SPRING, TEXAS 79720

LEGAL DESCRIPTION: E/40 OF LT 7 BK 9 EARLES 40X50 667 ACQ 060506

BLK/TRACT 9 0.046 ACRES, Howard County

Big Spring Code Compliance has determined that at the following structure(s): All structures, at the property as stated above, is/are in violation of the following section(s) of the **Property Maintenance Code of Big Spring (PMC)**, constituting a nuisance:

VIOLATION	DESCRIPTION OF VIOLATION
111.1.5 HAZARDOUS STRUCTURE OR PREMISES. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as follows shall be considered to be hazardous: 11. 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.	The building had fire damage to the roof that has not been repaired. Hazardous condition.
304.1.1 UNSAFE CONDITIONS. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and in capable of supporting all nominal loads and resisting all load effects.	The roof appears to admit rain and has signs of deterioration. Unsafe condition.
304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have	The roof has defects that admit rain and is not sound and not tight.

defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.	
--	--

The following actions are required to correct the violation(s) at the structure(s) as stated above:

Corrective Action Sought by Code Compliance

Secure and vacate the structure(s) until the violation(s) are resolved,
and:

Demolish and Remove
of structure(s).

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

Issued by

Nick Reyna	Building Official
<i>Name</i>	<i>Title</i>
+1 (432) 264-2503	nreyna@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.

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 **5:30 PM, June 27, 2023** 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 A-1.10. Rights of Parties

(a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

(b) 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.

(c) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.

(d) 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.

Section C-9.02 (c)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 Hearing Board enters an order to abate the violation(s) at the structure(s) at the property, the order is preliminary, allowing you to appeal the order to 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 become the final order.

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,



Nick Reyna, Building Official
City of Big Spring, Texas

Exhibit C-8



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 JUNE 27th, 2023, 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:

1312 LINDBERG, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LTS 2-12 BK 6 WRIGHTS AIRPORT 550X130 MH 28X73 LABEL #PFS588954 PFS0588955 2005 COMB ACCT B6240007600 & 7602 & 7603 653 653.01 653.02 BLK/TRACT BK 6 1.641 ACRES- OWNER: ESTATE of ROY ROBERSON and ESTATE of ROMA MARIE ROBERSON

602 E 16th ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: E/2 OF LT 2 ALL 3 BK 21 COLE & STRAYHORN 5X140 811 BLK/TRACT 21 0.241 ACRES ACQ 04162020– OWNER: KANIEL MIRAMONTES

706 W 6th ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: E/40 OF LT 7 BK 9 EARLES 40X50 667 ACQ 060506 BLK/TRACT 9 0.046 ACRES – OWNER: ALBINO ALBIAR

805 ROSEMONT, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: N/45 OF LT 2 & S/30 OF LT 3 BK 2 CENTRAL PARK IRR 1154 BLK/TRACT 2 0.215 ACRES ACQ 01242022 – OWNER: MARTHA MUNOZ and ANASTACIO MUNOZ

511 N NOLAN, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: SE/4 OF SC 42 BK 32 1N TR 41 WILLIAM B CURRIE 40X163 808 0.15 ACRES– OWNER: ESTATE of ENRIQUE SOTELO

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.

Nick Reyna
Nick Reyna, Building Official, City of Big Spring

1312 LINDBERGH

Code Enforcement Officer: Malissa Garcia

Exhibit A-1

Property Details

Account		
Property ID:	287626	Geographic ID: B6240007600
Type:	Real	Zoning:
Property Use:		Condo:
Location		
Situs Address:	1312 LINDBERGH	
Map ID:		Mapsco:
Legal Description:	LTS 2-12 BK 6 WRIGHTS AIRPORT 550X130 MH 28X73 LABEL #PFS0588954 PFS0588955 2005 COMB ACCT B6240007600 & 7602 & 7603 653 653.01 653.02 BLK/TRACT BK 6 1.641 ACRES	
Abstract/Subdivision:		
Neighborhood:	WRGT WRIGHTS	
Owner ?		
Owner ID:	399565	
Name:	ROBERSON ROMA MARIE & ROBERSON ROY	
Agent:		
Mailing Address:	1312 LINDBERG BIG SPRING, TX 79720	
% Ownership:	100.0%	
Exemptions:	DV4 - Disabled Veterans 70% - 100% HS - HOMESTEAD For privacy reasons not all exemptions are shown online.	

Property Values

Improvement Homesite Value:	\$6,618 (+)
Improvement Non-Homesite Value:	\$877 (+)
Land Homesite Value:	\$24,200 (+)
Land Non-Homesite Value:	\$0 (+)

Agricultural Market Valuation:	\$0 (+)
Market Value:	\$31,695 (=)
Agricultural Value Loss: ⓘ	\$0 (-)
Appraised Value:	\$31,695 (=)
Homestead Cap Loss: ⓘ	\$1,022 (-)
Assessed Value:	\$30,673
Ag Use Value:	\$0

VALUES DISPLAYED ARE 2023 PRELIMINARY VALUES AND ARE SUBJECT TO CHANGE PRIOR TO CERTIFICATION.

Information provided for research purposes only. Legal descriptions and acreage amounts are for appraisal district use only and should be verified prior to using for legal purpose and or documents. Please contact the Appraisal District to verify all information for accuracy.

Property Taxing Jurisdiction

Owner: ROBERSON ROMA MARIE & ROBERSON ROY %Ownership: 100.0%

Entity	Description	Tax Rate	Market Value	Taxable Value	Estimated Tax	Freeze Ceiling
01H	HOWARD COUNTY	0.238916	\$31,695	\$714	\$1.71	
02B	CITY OF BIG SPRING	0.673163	\$31,695	\$7,714	\$51.93	
03B	BIG SPRING ISD	0.930900	\$31,695	\$0	\$0.00	\$0.00
052	HOWARD COLLEGE	0.168395	\$31,695	\$714	\$1.20	

Total Tax Rate: 2.011374

Estimated Taxes With Exemptions: \$54.84

Estimated Taxes Without Exemptions: \$637.50

STATE OF TEXAS

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COUNTY OF HOWARD

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**AFFIDAVIT OF MALISSA GARCIA
CONCERNING 1312 LINDBERGH**

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

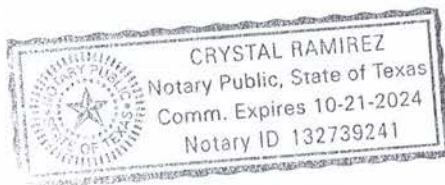
“My name is **Malissa Garcia**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

“I am a Code Enforcement Officer 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 **1312 LINDBERGH**, 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 19 day of June, 2023.

M. Garcia
AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of June, 2023 by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit A-2

STATE OF TEXAS

COUNTY OF HOWARD

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CERTIFICATION
1312 LINDBERGH CASE NOTES

“This record, attached as **Exhibit A-3**, 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.

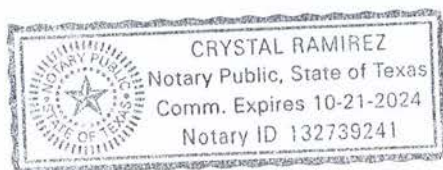
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout 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-3** as the readout.”

SIGNED on the 19 day of June, 2023.

M. Garcia
AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of June, 2023

by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

NOTES

Incident Notes:

THERE IS A HOUSING STRUCTURE AND AN ACCESSORY BUILDING ON LOTS 8 & 9 OF THIS ADDRESS THAT DOES NOT MEET MINIMUM BUILDING STANDARDS BY ORDINANCE OF THE CITY. THEY ARE MISSING DOORS/WINDOWS, EXTENSIVE ROOFING DAMAGE, SIDING DAMAGE AND ARE CONSIDERED A SAFETY AND HEALTH HAZARD. THEY NEED TO BE BROUGHT UP TO CODE OR BE DEMOLISHED.

Task #: 115760 - INSPECT SUBSTANDARD - 5/11/2023

ON 5-3-23 @ 13:33 CODE ENFORCEMENT ROY MARQUEZ INSPECTED PROPERTY FOR SUBSTANDARD STRUCTURE VIOLATION, FOUND A HOUSING AND ACCESSORY STRUCTURE WITH NO DOORS/WINDOWS, EXTENSIVE ROOF AND SIDING DAMAGE. PICTURES WERE TAKEN, LETTER WILL BE SENT.

ON 3-21-23 @ 9:37 CODE ENFORCEMENT ROY MARQUEZ INSPECTED PROPERTY FOR SUBSTANDARD STRUCTURE VIOLATION, A HOUSING STRUCTURE AND ACCESSORY BUILDING WAS FOUND WITH NO WINDOWS/DOORS, ROOF AND SIDING DAMAGE. PICTURES WERE TAKEN, LETTER WILL BE SENT.

Task #: 115761 - SUBSTANDARD BLD - 5/11/2023

Task #: 115765 - REINSPECT SUBSTANDRD - 5/11/2023

REINSPECTED PROPERTY ON 5-3-23 @ 13:33, PROPERTY REMAINS IN SAME CONDITION, WILL REQUEST AND SEND COMPLAINT TO COUNCIL FOR ABATEMENT.

Exhibit A-3

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION OF
PHOTOGRAPHS BY MALISSA GARCIA**

“With regard to the photographs in **Exhibits A-4** I am familiar with and recognize the scene depicted in the photographs. On March 21, 2023 and May, 3, 2023, I inspected the property described as:

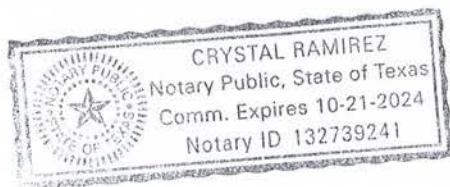
LTS 2-12 BK 6 WRIGHTS AIRPORT 550X130 MH 28X73 LABEL
#FS0588954 PFS0588955 2005 COMB ACCT B6240007600 & 7602 & 7603
653 653.01 653.02 BLK/TRACT BK 6 1.641 ACRES Big Spring, Howard
County, Texas, also known as **1312 LINDBERGH**, Big Spring, Texas.

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

SIGNED on the 19 day of June, 2023.

M. Garcia
AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of June, 2023
by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit A-4



INSPECTION PICTURES 3-21-23









REINSPECTION PICTURES 5-3-23



REINSPECTION PICTURES 5-3-23



REINSPECTION PICTURES 5-3-23



REINSPECTION PICTURES 5-3-23



Exhibit A-5

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
NOTICE SENT BY MALISSA GARCIA**

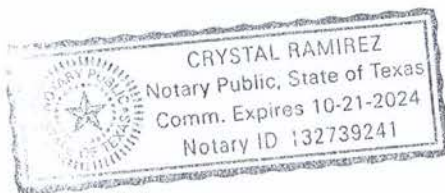
“The document in **Exhibit A-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

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

SIGNED on the 19 day of June, 2023.

M. Garcia
AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of June, 2023
by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit A-6



Code Compliance

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

NOTICE OF VIOLATION AND ORDER TO ABATE

MAY 11, 2023

Case No. 72917

ROMA M & ROY ROBERSON
1312 LINDBERGH
BIG SPRING TX 79720

Sent via: Certified 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
Hazardous Structure or Premises Sec. 111.1.5.11	Any portion of a building remains on a site after the demolition or destruction of the building or <i>structure</i> or whenever any building or <i>structure</i> is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.
Property Maintenance Code Sec. 304.1.1 Unsafe Conditions	Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.
Sec. 304.1.3 Unsafe Conditions	Structures or components thereof have deterioration or distress that appears to reduce their load-carrying capacity.

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

Corrective Action Required	Deadline for Compliance
THERE IS A HOUSING STRUCTURE AND AND ACCESSORY BUILDING ON LOTS 8 & 9 OF THIS ADDRESS THAT DOES NOT MEET MINIMUM BUILDING STANDARDS BY ORDINANCE OF THE CITY. THEY ARE MISSING DOORS/WINDOWS, EXTENSIVE ROOF AND SIDING DAMAGE AND ARE CONSIDERED A SAFETY AND HEALTH HAZARD. THEY NEED TO BE BROUGHT UP TO CODE OR BE DEMOLISHED.	Seven (7) days from date of mailing

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

Issued by

<u>Roy Marquez</u>	<u>Code Compliance</u>
<i>Name</i>	<i>Department</i>
<u>432-264-2507</u>	<u>rmarquez@mybigspring.com</u>
<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.

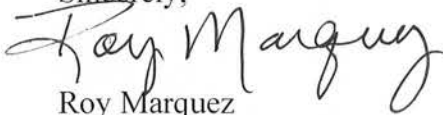
NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, 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 black ink that reads "Roy Marquez". The signature is fluid and cursive, with the first name "Roy" and last name "Marquez" clearly distinguishable.

Roy Marquez
Code Enforcement Officer
City of Big Spring, Texas



Code Compliance

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

NOTICE OF VIOLATION AND NOTICE OF HEARING

Sent via: Certified Mail; Return Receipt Requested

June 16, 2023

Estate of Roy Roberson
1312 Lindbergh
Big Spring, Texas 79720

State National Bank
901 S Main St
Big Spring, TX 79720

Re: 1312 LINDBERGH, BIG SPRING, TEXAS 79720

**LEGAL DESCRIPTION: LTS 2-12 BK 6 WRIGHTS AIRPORT 550X130 MH
28X73 LABEL #FS0588954 PFS0588955 2005 COMB ACCT B6240007600 & 7602
& 7603 653 653.01 653.02 BLK/TRACT BK 6 1.641 ACRES, Howard County**

Big Spring Code Compliance has determined that at the following structure(s): All structures, at the property as stated above, is/are in violation of the following section(s) of the **Property Maintenance Code of Big Spring (PMC)**, constituting a nuisance:

VIOLATION	DESCRIPTION OF VIOLATION
111.1.5 HAZARDOUS STRUCTURE OR PREMISES. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as follows shall be considered to be hazardous: 11. 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.	The building had fire damage to the roof that has not been repaired. Hazardous condition.
304.1.1 UNSAFE CONDITIONS. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good	The roof appears to admit rain and has signs of deterioration. Unsafe condition.

repair with signs of deterioration, fatigue or without proper anchorage and in capable of supporting all nominal loads and resisting all load effects.	
304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.	The roof has defects that admit rain and is not sound and not tight.

The following actions are required to correct the violation(s) at the structure(s) as stated above:

Corrective Action Sought by Code Compliance

Secure and vacate the structure(s) until the violation(s) are resolved, and:

**Demolish and Remove
of structure(s).**

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

Issued by

Nick Reyna

Name

Building Official

Title

+1 (432) 264-2503

Phone

nreyna@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.

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

SECTION A-1.10. Rights of Parties

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- (c) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.
- (d) 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;
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Section C-9.02 (c)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 Hearing Board enters an order to abate the violation(s) at the structure(s) at the property, the

order is preliminary, allowing you to appeal the order to 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 become the final order.

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,

Nick Reyna, Building Official
City of Big Spring, Texas

Exhibit A-8



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 JUNE 27th, 2023, 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:

1312 LINDBERG, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LTS 2-12 BK 6 WRIGHTS AIRPORT 550X130 MH 28X73 LABEL #PFS588954 PFS0588955 2005 COMB ACCT B6240007600 & 7602 & 7603 653 653.01 653.02 BLK/TRACT BK 6 1.641 ACRES- OWNER: ESTATE of ROY ROBERSON and ESTATE of ROMA MARIE ROBERSON

602 E 16th ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: E/2 OF LT 2 ALL 3 BK 21 COLE & STRAYHORN 5X140 811 BLK/TRACT 21 0.241 ACRES ACQ 04162020– OWNER: KANIEL MIRAMONTES

706 W 6th ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: E/40 OF LT 7 BK 9 EARLES 40X50 667 ACQ 060506 BLK/TRACT 9 0.046 ACRES – OWNER: ALBINO ALBIAR

805 ROSEMONT, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: N/45 OF LT 2 & S/30 OF LT 3 BK 2 CENTRAL PARK IRR 1154 BLK/TRACT 2 0.215 ACRES ACQ 01242022 – OWNER: MARTHA MUNOZ and ANASTACIO MUNOZ

511 N NOLAN, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: SE/4 OF SC 42 BK 32 IN TR 41 WILLIAM B CURRIE 40X163 808 0.15 ACRES– OWNER: ESTATE of ENRIQUE SOTELO

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 LEASE FORTY-EIGHT (48) HOURS IN ADVANCE OF THE MEETING.

Nick Reyna

Nick Reyna, Building Official, City of Big Spring

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

The City Council of the City of Big Spring, Texas, met in a REGULAR AGENDA in the City Council Chambers located at 307 E. 4th St., Big Spring, Texas, at 5:30 PM, June 13, 2023, with the following members present in person:

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

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

TODD DARDEN	City Manager
JOHN MEDINA	Assistant City Manager
ANDREW HAGEN	City Attorney
SHANE BOWLES	Public Works Director
CHAD WILLIAMS	Police Chief
JAY HOLT	Interim Fire Chief
MIKE FEELEY	Airpark Director
SANDY SMITH	Finance Director
HAYLEY LEWIS	Community Services Director
TAMI DAVIS	City Secretary
MANDY HAYNES	Municipal Judge

Open Session

Call to Order

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

Invocation

Don Smith 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

A couple of Firefighters with the Big Spring Fire Department spoke regarding the SAFER Grant.

Public Hearing regarding abatements of public nuisances

MOTION WAS MADE BY Council Member McDonald to open the below listed public hearings, 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

**Each public hearing listed below was presented to the Council with an abatement order and pictures. The following citizens spoke regarding their property;
Clay Cooper - 605 Nolan Street
Ezequiel Contreras - 600 Lancaster**

Announcements, Presentations and Public Hearings

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 1000 E. 20TH STREET, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: SC 5 BK 32 IS 1231 ACQ 102412 BLK/TRACK 321S 0.808 ACRES - OWNER: HENRY RIOS

MOTION WAS MADE BY Mayor Moore to abate the above captioned property (1000 E. 20th St.), 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

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 1106 NW 8TH STREET, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: LT 5 BK 8 BANKS 50X115 182 0.132 ACRES - OWNER: JIMMY JOLLEY

MOTION WAS MADE BY Council Member Smith to abate the above captioned property (1106 NW 8th St.), 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

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 605 NOLAN STREET, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: LT 10 & N/2 OF LT 9 BK 48 ORIGINAL TOWN 75X140 0792 BLK/TRACT 48 0.241 ACRES - OWNER: JESSE BUSTAMANTE

MOTION WAS MADE BY Council Member Tompkins to abate the back shed and the accumulated items of the above captioned property (605 Nolan St.), seconded by Council Member Yanez.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 5
Council Member McDonald, Council Member Tompkins 1
NAYS: Council Member Smith

MOTION PASSED

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 611 NOLAN STREET, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: EXC 33' & 3' N/SIDE OF LTS 7-8 BK 48 ORIGINAL TOWN 64X140 0789 ACQ 011310 BLK/TRACT 48 0.206 ACRES - OWNER: JUANITA FLORES

MOTION WAS MADE BY Council Member Yanez to abate the above captioned property (611 Nolan St.), 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

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 609 BELL STREET, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: LT 8 BK 41 ORIGINAL TOWN 50X140 0854 ACQ 030612 BLK/TRACT 41 0.161 ACRES - OWNER SAM CASTRO

MOTION WAS MADE BY Council Member McDonald to abate the above captioned property (609 Bell St.), 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

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 600 LANCASTER, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: LT 1 BK 41 ORIGINAL TOWN 50X140 0847 0.161 ACRES ACQ 02082017 - OWNER: EZEQUIEL CONTRERAS

MOTION WAS MADE BY Council Member Yanez to abate the above captioned property (600 Lancaster) with a 60 day order, 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

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 623 SGT PAREDEZ, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: W/2 OF LT 11 BK 99 ORIGINAL TOWN 50X1900211 ACQ 062408 BLK/TRACT 99 0.218 ACRES - OWNER: SOFIA RUBIO

MOTION WAS MADE BY Council Member Smith to abate the above captioned property (623 Sgt. Paredes St.), 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

MOTION WAS MADE BY Council Member Yanez to close the above captioned public hearings, 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

City Manager's Report

City Manager's report on the following items:

- Large Item Pickup, District 6-June 21, 2023
- Reminder of Tall Weeds & Grass
- Mosquito Spraying
- Seal Coat Update

- Animal Control Open House, Saturday, June 24th,10-12

Todd Darden, City Manager, reported on the above captioned items as follows: The large item pickup will end with District 6 on June 21st and begin again in July with District 1; Reminder to citizens to mow their weeds and grass due to the heavy rain; Mosquito spraying has begun; Street seal coating will begin next week; Animal Control will have an open house on Saturday, June 24th from 10-12; Rodeo starts this week and Happy Fathers Day.

Consent Items

Approval of the City Council Minutes of the Special Meeting of May 22, 2023 and of the Regular Meeting of May 23, 2023.

Acknowledge Receipt of the Big Spring Economic Development Board Minutes of the Regular Meeting of March 21, 2023.

Final Reading of an Ordinance Granting a Partial Ad Valorem Tax Exemption for Tax Year 2023 for the Homestead of any Married or Unmarried Adult; Finding and Determining That the Meetings at Which the Ordinance was Discussed were Open to the Public as Required by Law; Providing for Severability; Providing for Repeal of Conflicting Ordinances; Providing for Publication; and Providing an Effective Date

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 General Fund Budget for the Purpose of the Rebuilding of the Detention Pond Dam at Birdwell Park: Providing for Severability; Providing for Publication; and Providing an Effective Date

MOTION WAS MADE BY Council Member Tompkins to approve the above captioned minutes and ordinances, seconded by Council Member McDonald.

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

Vouchers

Vouchers for 05/11/23 \$ 763,398.55

Vouchers for 05/18/23 \$ 852,382.53

Vouchers for 05/25/23 \$ 336,639.36

Drafts \$ 1,188,560.45

Council Member Tompkins reviewed the vouchers for 05/11/23 and for

05/18/2023.

MOTION WAS MADE BY Council Member Tompkins to approve the vouchers for 05/11/23 & 05/18/23, seconded by Council Member Smith. Council Member Tompkins will review the vouchers for 05/25/23 and the drafts for the next council meeting on June 27th.

**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

Vouchers for 06/01/23 \$ 183,846.69
Vouchers for 06/08/23 \$ 452,556.32
Drafts \$ 580,147.23

Council Member Smith reviewed the above captioned vouchers.

MOTION WAS MADE BY Council Member Smith to approve the above captioned vouchers, 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

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 General Fund Budget for the Purpose of the Continued Funding of the Fire Department Employees that were Funded Through the Safer Grant; Providing for Severability; Providing for Publication; and Providing an Effective Date

MOTION WAS MADE BY Mayor Moore to approve the above captioned ordinance, seconded by Mayor Pro Tem Ornelas.

**YEAS: None 0
NAYS: None 0**

MOTION

MOTION WAS MADE BY Council Member Tompkins to amend the above captioned ordinance to fund the 10 firefighter positions until the end of the fiscal year, seconded by None.

**YEAS: None 0
NAYS:0 0**

MOTION DIED DUE TO LACK OF SECOND

MOTION WAS MADE BY Mayor Moore approve the above captioned ordinance as written, seconded by Mayor Pro Tem Ornelas.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 5
Council Member McDonald, Council Member Tompkins 1
NAYS: Council Member Smith

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 General Fund Budget for the Purpose of the Repair of the Traffic Light at 11th and Birdwell; 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 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 a Resolution Adopting Plans, Policies, and Procedures that Support the Civil Rights of All Persons Affected by the CDBG Project; Providing for Repeal of Conflicting Resolutions; Providing a Savings and Severability Clause; Finding and Determining that the Meeting at Which the Resolution was Discussed was Open to the Public as Required by Law; and Establishing an Effective Date

MOTION WAS MADE BY Council Member Tompkins to approve the above captioned resolution, 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

Consideration and Possible Action on a Contract Agreement with Texas Department of Health and Human Services and Authorizing the Mayor to Execute any Necessary Documents

MOTION WAS MADE BY Mayor Moore to approve the above captioned agreement, seconded by Mayor Pro Tem Ornelas.

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

Council Input

Input

Mayor Pro Tem thanked everyone for attending the council meeting and asked staff for some handouts for large item pickup for his district next month;

Council Member Yanez thanked employees and asked for the right-of-way to be cleaned up at the Dairy Queen;

Council Member Tompkins would like an update on the past abatements.

Adjourn

Mayor Moore adjourned the City Council meeting at 6:35 p.m.

Robert H. Moore III, Mayor

ATTEST:

Tami L. Davis, City Secretary



Memorandum

Date: 06/07/2023

From: Sandy Smith, Finance Director

To: Mayor and City Council

Re: 2022-2023 Budget Amendment

The budget for the SAFER Grant was funded through March 31, 2023. This budget amendment will provide for the salaries for the personnel hired with SAFER Grant funds through June, 2023.

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 THE CONTINUED FUNDING OF THE FIRE DEPARTMENT EMPLOYEES THAT WERE FUNDED THROUGH THE SAFER GRANT; PROVIDING FOR SEVERABILITY; 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 original budget for the SAFER grant ended on March 31, 2023. This budget amendment will continue the funding through June 30, 2023.

WHEREAS the City Manager and the Finance Director recommend that the City Council increase the General Fund budgeted expenditures and amend the Budget previously approved;

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

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 \$80,000.00 to Department 002-012-211 SAFER Grant (and respective Personnel Services accounts) for the purpose continued funding for salaries for employees hired through the SAFER Grant funds through June 30, 2023. 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 **June, 2023** 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 **27th** day of **June, 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



INTEROFFICE MEMORANDUM

Date: June 9, 2023
To: Mayor Robert H. Moore, Big Spring City Council, and Todd Darden, City Manager
From: John Medina, Assistant City Manager
Subject: 11th and Birdwell Traffic Signal Repair

On May 7, 2023, there was an accident at 11th Place and Birdwell that destroyed the traffic signal on the northwest corner of the intersection. Administration is requesting a budget amendment in the amount of \$35,350.00, to cover the cost of repairing the traffic signal at this intersection.

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 THE REPAIR OF THE TRAFFIC LIGHT AT 11TH AND BIRDWELL; PROVIDING FOR SEVERABILITY; 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 original budget does not provide for emergency repair of traffic lights damaged by vehicles/vehicle accidents.

WHEREAS the City Manager and the Finance Director recommend that the City Council increase the General Fund budgeted expenditures and amend the Budget previously approved;

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

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 \$35,350.00 to the Street Department, account 002-022-320-6321 Signal Systems. 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 June, 2023 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 27th day of June, 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

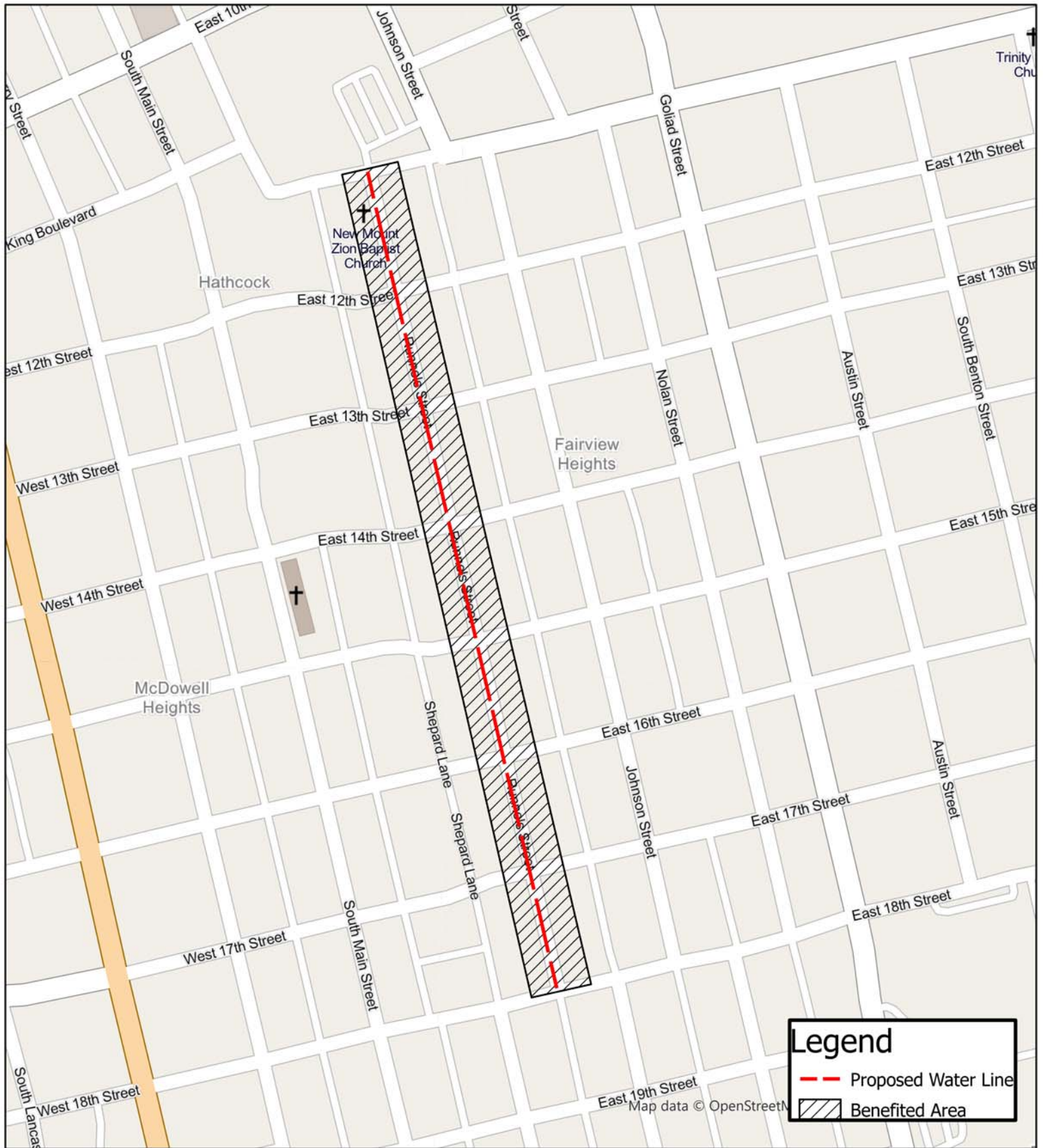


INTEROFFICE MEMORANDUM

Date: June 13, 2023
To: Mayor Robert H. Moore, Big Spring City Council, and Todd Darden, City Manager
From: John Medina, Assistant City Manager
Subject: Resolution Regarding Civil Rights for CDBG Runnels Street Waterline Replacement

In January 2023, the city received an award notification for the 2021 Community Development Block Grant funds for the Runnels Street Waterline Replacement Project. South Plains Association of Governments (SPAG), the grant manager of the 2021 Texas Department of Agriculture Community Development Block Grant Project, has requested the City Council consider and pass the attached resolution. This resolution states that the City agrees to comply with all federal rules and regulations, including those rules and regulations governing citizen participation and civil rights. This is a standard requirement for the receipt of any and all federal funding.

FIGURE A1



City of Big Spring
Water System Improvements
TX 2021/22 TDA - CDBG Application
Project Map



0 200 400 800



Feet



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING ADOPTING PLANS, POLICIES, AND PROCEDURES THAT SUPPORT THE CIVIL RIGHTS OF ALL PERSONS AFFECTED BY THE CDBG PROJECT; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THE RESOLUTION WAS DISCUSSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Whereas, the City of Big Spring, Texas, (hereinafter referred to as “City of Big Spring”) has been awarded TxCDBG funding through a TxCDBG grant from the Texas Department of Agriculture (hereinafter referred to as “TDA”); and

WHEREAS, the City of Big Spring, in accordance with Section 109 of the Title I of the Housing and Community Development Act. (24 CFR 6); the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107); and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and for construction contracts greater than \$10,000, must take actions to ensure that no person or group is denied benefits such as employment, training, housing, and contracts generated by the CDBG activity, on the basis of race, color, religion, sex, national origin, age, or disability; and

WHEREAS, the City of Big Spring, in consideration for the receipt and acceptance of federal funding, agrees to comply with all federal rules and regulations including those rules and regulations governing citizen participation and civil rights protections; and

WHEREAS, the City of Big Spring, in accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, and 24 CFR Part 135, is required, to the greatest extent feasible, to provide training and employment opportunities to lower income residents and contract opportunities to businesses in the TxCDBG project area; and

WHEREAS, the City of Big Spring, in accordance with Section 104(1) of the Housing and Community Development Act, as amended, and State’s certification requirements at 24 CFR 91.325(b)(6), must adopt an excessive force policy that prohibits the use of excessive force against non-violent civil rights demonstrations; and

WHEREAS, the City of Big Spring in accordance with Executive Order 13166, must take reasonable steps to ensure meaningful access to services in federally assisted programs and activities by persons with limited English proficiency (LEP) and must have an LEP plan in place specific to the locality and beneficiaries for each TxCDBG project; and

WHEREAS, the City of Big Spring, in accordance with Section 504 of the Rehabilitation Act of 1973, does not discriminate on the basis of disability and agrees to

ensure that qualified individuals with disabilities have access to programs and activities that receive federal funds; and

WHEREAS, the City of Big Spring, in accordance with Section 808(e)(5) of the Fair Housing Act (42 USC 3608(e)(5)) that requires HUD programs and activities be administered in a manner affirmatively to further the policies of the Fair Housing Act, agrees to conduct at least one activity during the contract period of the TxCDBG contract, to affirmatively further fair housing; and

WHEREAS, the City of Big Spring, agrees to maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts;

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

SECTION 1. The facts and matters set forth in the preamble of this Resolution are hereby found to be true and correct.

SECTION 2. The City of Big Spring adopts the following:

1. Citizen Participation Plan and Grievance Procedures (Form A1013);
2. Section 3 Policy (Form A1002);
3. Excessive Force Policy (Form A1003);
4. Section 504 Policy and Grievance Procedures (Form A1004);
5. Code of Conduct Policy (Sample Form Appendix C);
6. Limited English Proficiency Plan (Form 1010); and
7. Fair Housing Policy (Exhibit 1015).

SECTION 3. All provisions of any resolution in conflict with this Resolution are hereby repealed to the extent they are in conflict. Any remaining portions of said resolutions shall remain in full force and effect.

SECTION 4. Should any section, paragraph, sentence, clause, phrase or word of this Resolution be declared unconstitutional or invalid for any purpose, the remainder of this Resolution shall not be affected thereby.

SECTION 5. It is hereby officially found and determined that the meeting at which this Resolution was adopted is open to the public and that public notice of the time, place and purpose of said meeting was given as required by law.

SECTION 6. This Resolution shall become effective immediately.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **13th** day of **June, 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 **27th** day of **June, 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

THE CITY OF BIG SPRING
CITIZEN PARTICIPATION PLAN
TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Note to Grant Recipients regarding Limited English Proficiency (LEP) requirements:

In accordance with federal law, if there is a significant number of the population who are non-English speaking residents and are affected by the TxCDBG project, such citizens should have ‘meaningful access’ to all aspects of the TxCDBG project. To provide ‘meaningful access’, Grant Recipients may need to provide interpreter services at public hearings or provide non-English written materials that are routinely provided in English. Examples of such vital documents may include Citizen Participation notices (e.g., complaint procedures, hearings notices), civil rights notices, and any other published notice that may allow an eligible person with limited English proficiency to participate in discussing proposed CDBG activities.

For more information, see LEP.gov

COMPLAINT PROCEDURES

These complaint procedures comply with the requirements of the Texas Department of Agriculture’s Texas Community Development Block Grant (TxCDBG) Program and Local Government Requirements found in 24 CFR §570.486 (Code of Federal Regulations). Citizens can obtain a copy of these procedures at the City of Big Spring, 310 Nolan Street, Big Spring, TX 79720, (432) 264-2514, during regular business hours.

Below are the formal complaint and grievance procedures regarding the services provided under the TxCDBG project.

1. A person who has a complaint or grievance about any services or activities with respect to the TxCDBG project, whether it is a proposed, ongoing, or completed TxCDBG project, may during regular business hours submit such complaint or grievance, in writing to the City Attorney at 310 Nolan Street, Big Spring, TX 79720, or may call (432) 264-2514.
2. A copy of the complaint or grievance shall be transmitted by the City Attorney to the entity that is the subject of the complaint or grievance and to the City Attorney within five (5) working days after the date of the complaint or grievance was received.
3. The City Attorney shall complete an investigation of the complaint or grievance, if practicable, and provide a timely written answer to person who made the complaint or grievance within ten (10) days.
4. If the investigation cannot be completed within ten (10) working days per 3 above, the person who made the grievance or complaint shall be notified, in writing, within fifteen (15) days where practicable after receipt of the original complaint or grievance and shall detail when the investigation should be completed.

5. If necessary, the grievance and a written copy of the subsequent investigation shall be forwarded to the TxCDBG for their further review and comment.
6. If appropriate, provide copies of grievance procedures and responses to grievances in both English and Spanish, or other appropriate language.

TECHNICAL ASSISTANCE

When requested, the City shall provide technical assistance to groups that are representative of persons of low- and moderate-income in developing proposals for the use of TxCDBG funds. The City, based upon the specific needs of the community's residents at the time of the request, shall determine the level and type of assistance.

PUBLIC HEARING PROVISIONS

For each public hearing scheduled and conducted by the City, the following public hearing provisions shall be observed:

1. Public notice of all hearings must be published at least seventy-two (72) hours prior to the scheduled hearing. The public notice must be published in a local newspaper. Each public notice must include the date, time, location, and topics to be considered at the public hearing. A published newspaper article can also be used to meet this requirement so long as it meets all content and timing requirements. Notices should also be prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community groups.
2. When a significant number of non-English speaking residents are a part of the potential service area of the TxCDBG project, vital documents such as notices should be published in the predominant language of these non-English speaking citizens.
3. Each public hearing shall be held at a time and location convenient to potential or actual beneficiaries and will include accommodation for persons with disabilities. Persons with disabilities must be able to attend the hearings and the City must make arrangements for individuals who require auxiliary aids or services if contacted at least two days prior to the hearing.
4. A public hearing held prior to the submission of a TxCDBG application must be held after 5:00 PM on a weekday or at a convenient time on a Saturday or Sunday.
5. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

The City shall comply with the following citizen participation requirements for the preparation and submission of an application for a TxCDBG project:

1. At a minimum, the City shall hold at least one (1) public hearing to prior to submitting the application to the Texas Department of Agriculture.

2. The City shall retain documentation of the hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the proposed use of funds for three (3) years from closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.
3. The public hearing shall include a discussion with citizens as outlined in the applicable TxCDBG application manual to include, but is not limited to, the development of housing and community development needs, the amount of funding available, all eligible activities under the TxCDBG program, and the use of past TxCDBG contract funds, if applicable. Citizens, with particular emphasis on persons of low- and moderate-income who are residents of slum and blight areas, shall be encouraged to submit their views and proposals regarding community development and housing needs. Citizens shall be made aware of the location where they may submit their views and proposals should they be unable to attend the public hearing.
4. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

The City must comply with the following citizen participation requirements in the event that the City receives funds from the TxCDBG program:

1. The City shall also hold a public hearing concerning any substantial change, as determined by TxCDBG, proposed to be made in the use of TxCDBG funds from one eligible activity to another again using the preceding notice requirements.
2. Upon completion of the TxCDBG project, the City shall hold a public hearing and review its program performance including the actual use of the TxCDBG funds.
3. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, for either a public hearing concerning substantial change to the TxCDBG project or for the closeout of the TxCDBG project, publish notice in both English and Spanish, or other appropriate language and provide an interpreter at the hearing to accommodate the needs of the non-English speaking residents.
4. The City shall retain documentation of the TxCDBG project, including hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the actual use of funds for a period of three (3) years from closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.

Robert Moore, Mayor

Date

LA CIUDAD DE BIG SPRING
PLAN DE PARTICIPACIÓN CIUDADANA
PROGRAMA DE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Nota a los receptores de subvención en relación a requisitos de Dominio Limitado del Inglés:

De acuerdo con la ley federal hay un número significativo de población que son residentes y que no hablan inglés y son afectados por el proyecto TxCDBG, estos ciudadanos deben tener "acceso significativo" a todos los aspectos del proyecto TxCDBG. Para proporcionar "acceso significativo", receptores de la subvención pueden ser utilizados para proporcionar servicios de interpretación en las audiencias públicas o proporcionar materiales no escritos en inglés que se proporcionan de manera rutinaria en Inglés. Para obtener más información, consulte LEP.gov.

PROCEDIMIENTOS DE QUEJA

Estos procedimientos de queja cumplen con los requisitos del Departamento de Programa de Agricultura de Texas Community Development Block Grant (TxCDBG) y los requisitos del gobierno local de Texas se encuentran en 24 CFR §570.486 (Código de Regulaciones Federales). Los ciudadanos pueden obtener una copia de estos procedimientos en la Ciudad de Big Spring, 310 Nolan Street, Big Spring, TX 79720, (432) 264-2514 en horario de oficina.

A continuación se presentan los procedimientos formales de quejas y quejas relativas a los servicios prestados en el marco del proyecto TxCDBG.

1. Una persona que tiene una queja o reclamación sobre cualquiera de los servicios o actividades en relación con el proyecto TxCDBG, o si se trata de una propuesta, en curso o determinado proyecto TxCDBG, pueden durante las horas regulares presentar dicha queja o reclamo, por escrito a la Asistente legal, a 310 Nolan Street, Big Spring, TX 79720 o puede llamar a (432) 264-2514.
2. Una copia de la queja o reclamación se transmitirá por el Asistente legal a la entidad que es encargada de la queja o reclamación y al Abogado de la Ciudad dentro de los cinco (5) días hábiles siguientes a la fecha de la queja o día que la reclamación fue recibida.
3. El Asistente legal deberá cumplir una investigación de la queja o reclamación, si es posible, y dará una respuesta oportuna por escrito a la persona que hizo la denuncia o queja dentro de los diez (10) días.
4. Si la investigación no puede ser completada dentro de los diez (10) días hábiles anteriormente, la persona que hizo la queja o denuncia será notificada, por escrito, dentro de los quince (15) días cuando sea posible después de la entrega de la queja original o quejas y detallará cuando se deba completar la investigación.
5. Si es necesario, la queja y una copia escrita de la investigación posterior se remitirán a la TxCDBG para su posterior revisión y comentarios.

6. Se proporcionara copias de los procedimientos de queja y las respuestas a las quejas, tanto en Inglés y Español, u otro lenguaje apropiado.

ASISTENCIA TÉCNICA

Cuando lo solicite, la Ciudad proporcionará asistencia técnica a los grupos que son representantes de las personas de bajos y moderados ingresos en el desarrollo de propuestas para el uso de los fondos TxCDBG. La Ciudad, en base a las necesidades específicas de los residentes de la comunidad en el momento de la solicitud, deberá determinar el nivel y tipo de asistencia.

DISPOSICIONES AUDIENCIA PÚBLICA

Para cada audiencia pública programada y llevada a cabo por la Ciudad, se observarán las disposiciones siguientes de audiencias públicas:

1. Aviso público de todas las audiencias deberá publicarse al menos setenta y dos (72) horas antes de la audiencia programada. El aviso público deberá publicarse en un periódico local. Cada aviso público debe incluir la fecha, hora, lugar y temas a considerar en la audiencia pública. Un artículo periodístico publicado también puede utilizarse para cumplir con este requisito, siempre y cuando cumpla con todos los requisitos de contenido y temporización. Los avisos también deben ser un lugar prominente en los edificios públicos y se distribuyen a las autoridades locales de vivienda pública y otros grupos interesados de la comunidad.
2. Cuando se tenga un número significativo de residentes que no hablan inglés serán una parte de la zona de servicio potencial del proyecto TxCDBG, documentos vitales como las comunicaciones deben ser publicados en el idioma predominante de estos ciudadanos que no hablan inglés.
3. Cada audiencia pública se llevará a cabo en un momento y lugar conveniente para los beneficiarios potenciales o reales e incluirá alojamiento para personas con discapacidad. Las personas con discapacidad deben poder asistir a las audiencias y la Ciudad debe hacer los arreglos para las personas que requieren ayudas o servicios auxiliares en caso de necesitarlo por lo menos dos días antes de la audiencia será pública.
4. Una audiencia pública celebrada antes de la presentación de una solicitud TxCDBG debe hacerse después de las 5:00 pm en un día de semana o en un momento conveniente en sábado o domingo.
5. Cuando un número significativo de residentes que no hablan inglés se registra para participar en una audiencia pública, un intérprete debe estar presente para dar cabida a las necesidades de los residentes que no hablan inglés.

La Ciudad deberá cumplir con los siguientes requisitos de participación ciudadana para la elaboración y presentación de una solicitud para un proyecto TxCDBG:

1. Como mínimo, la Ciudad deberá tener por lo menos un (1) audiencia pública antes de presentar la solicitud al Departamento de Agricultura de Texas.

2. La Ciudad conservará la documentación de la convocatoria(s) audiencia, un listado de las personas que asistieron a la audiencia(s) , acta de la vista(s), y cualquier otra documentación relativa a la propuesta de utilizar los fondos para tres (3) años a partir de la liquidación de la subvención para el Estado . Dichos registros se pondrán a disposición del público, de conformidad con el Capítulo 552, Código de Gobierno de Texas.
3. La audiencia pública deberá incluir una discusión con los ciudadanos como se indica en el manual correspondiente de aplicación TxCDBG, pero no se limita a, el desarrollo de las necesidades de vivienda y desarrollo comunitario, la cantidad de fondos disponibles, todas las actividades elegibles bajo el programa TxCDBG y el uso de fondos últimos contratos TxCDBG, en su caso. Los ciudadanos, con especial énfasis en las personas de bajos y moderados ingresos que son residentes de las zonas de tugurios y tizón, se fomentará a presentar sus opiniones y propuestas sobre el desarrollo de la comunidad y las necesidades de vivienda. Los ciudadanos deben ser conscientes de la ubicación en la que podrán presentar sus puntos de vista y propuestas en caso de que no pueda asistir a la audiencia pública.
4. Cuando un número significativo de residentes que no hablan inglés se registra para participar en una audiencia pública, un intérprete debe estar presente para dar cabida a las necesidades de los residentes que no hablan inglés.

La Ciudad debe cumplir con los siguientes requisitos de participación ciudadana en el caso de que la Ciudad recibe fondos del programa TxCDBG:

1. La Ciudad celebrará una audiencia pública sobre cualquier cambio sustancial, según lo determinado por TxCDBG, se propuso que se hará con el uso de fondos TxCDBG de una actividad elegible a otro utilizando de nuevo los requisitos de notificación
2. Una vez finalizado el proyecto TxCDBG, la Ciudad celebrará una audiencia pública y revisara el desempeño del programa incluyendo el uso real de los fondos TxCDBG.
3. Cuando un número significativo de residentes que no hablan inglés se puede registra para participar en una audiencia pública, ya sea para una audiencia pública sobre el cambio sustancial del proyecto TxCDBG o para la liquidación del proyecto TxCDBG, publicará un aviso en Inglés y Español u otro idioma apropiado y se proporcionara un intérprete en la audiencia para dar cabida a las necesidades de los residentes.
4. La Ciudad conservará la documentación del proyecto TxCDBG, incluyendo aviso de audiencia(s), un listado de las personas que asistieron a la audiencia(s), acta de la vista(s), y cualquier otro registro concerniente al uso real de los fondos por un período de a tres (3) años a partir de la liquidación del proyecto al estado.

Dichos registros se pondrán a disposición del público, de conformidad con el Capítulo 552, Código de Gobierno de

Robert Moore, Alcalde de la ciudad

Fecha

09/01/2020

Section 3 Policy

In accordance with 12 U.S.C. 1701u the City of Big Spring agrees to implement the following steps, which, to *the greatest extent feasible*, will provide job training, employment and contracting opportunities for Section 3 residents and Section 3 businesses of the areas in which the program/project is being carried out.

- A. Introduce and pass a resolution adopting this plan as a policy to strive to attain goals for compliance to Section 3 regulations by increasing opportunities for employment and contracting for Section 3 residents and businesses.
- B. Assign duties related to implementation of this plan to the designated Civil Rights Officer.
- C. Notify Section 3 residents and business concerns of potential new employment and contracting opportunities as they are triggered by TxCDBG grant awards through the use of: Public Hearings and related advertisements; public notices; bidding advertisements and bid documents; notification to local business organizations such as the Chamber(s) of Commerce or the Urban League; local advertising media including public signage; project area committees and citizen advisory boards; local HUD offices; regional planning agencies; and all other appropriate referral sources. Include Section 3 clauses in all covered solicitations and contracts.
- D. Maintain a list of those businesses that have identified themselves as Section 3 businesses for utilization in TxCDBG funded procurements, notify those businesses of pending contractual opportunities, and make this list available for general Grant Recipient procurement needs.
- E. Maintain a list of those persons who have identified themselves as Section 3 residents and contact those persons when hiring/training opportunities are available through either the Grant Recipient or contractors.
- F. Require that all Prime contractors and subcontractors with contracts over \$100,000 commit to this plan as part of their contract work. Monitor the contractors' performance with respect to meeting Section 3 requirements and require that they submit reports as may be required by HUD or TDA to the Grant Recipient.
- G. Submit reports as required by HUD or TDA regarding contracting with Section 3 businesses and/or employment as they occur; and submit reports within 20 days of the federal fiscal year end (by October 20) which identify and quantify Section 3 businesses and employees.
- H. Maintain records, including copies of correspondence, memoranda, etc., which document all actions taken to comply with Section 3 regulations.

As officers and representatives of City of Big Spring, we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.

Signature

Mayor _____
Title Date

Excessive Force Policy

In accordance with 24 CFR 91.325(b)(6), the City of Big Spring hereby adopts and will enforce the following policy with respect to the use of excessive force:

1. It is the policy of the City of Big Spring to prohibit the use of excessive force by the law enforcement agencies within its jurisdiction against any individual engaged in non-violent civil rights demonstrations;
2. It is also the policy of the City of Big Spring to enforce applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction.
3. The City of Big Spring will introduce and pass a resolution adopting this policy.

As officers and representatives of the City of Big Spring, we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.

Signature

Mayor

Title

Date

09/01/2020

Section 504 Policy Against Discrimination based on Handicap and Grievance Procedures

In accordance with 24 CFR Section 8, Nondiscrimination based on Handicap in federally assisted programs and activities of the Department of Housing and Urban Development, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and Section 109 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5309), the City of Big Spring hereby adopts the following policy and grievance procedures:

1. Discrimination prohibited. No otherwise qualified individual with handicaps in the United States shall, solely by reason of his or her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Housing and Urban Development (HUD).
2. The City of Big Spring does not discriminate on the basis of handicap in admission or access to, or treatment or employment in, its federally assisted programs and activities.
3. The City of Big Spring's recruitment materials or publications shall include a statement of this policy in 1. above.
4. The City of Big Spring shall take continuing steps to notify participants, beneficiaries, applicants and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipients that it does not discriminate on the basis of handicap in violation of 24 CFR Part 8.
5. For hearing and visually impaired individuals eligible to be served or likely to be affected by the TxCDBG program, the City of Big Spring shall ensure that they are provided with the information necessary to understand and participate in the TxCDBG program.
6. Grievances and Complaints
 - a. Any person who believes she or he has been subjected to discrimination on the basis of disability may file a grievance under this procedure. It is against the law for the City of Big Spring to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.
 - b. Complaints should be addressed to **Andrew Hagen, City Attorney, 310 Nolan Street, Big Spring, Texas 79720, (432) 264-2404** who has been designated to coordinate Section 504 compliance efforts.

- c. A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
- d. A complaint should be filed within thirty (30) working days after the complainant becomes aware of the alleged violation.
- e. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by **Andrew Hagen, City Attorney**. Informal but thorough investigations will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
- f. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by **Andrew Hagen, City Attorney**, and a copy forwarded to the complainant with fifteen (15) working days after the filing of the complaint where practicable.
- g. The Section 504 coordinator shall maintain the files and records of the City of Big Spring relating to the complaints files.
- h. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the determination/resolution as described in f. above. The request for reconsideration should be made to the City of Big Spring within ten working days after the receipt of the written determination/resolution.
- i. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the U.S. Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
- j. These procedures shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and assure that the City of Big Spring complies with Section 504 and HUD regulations.

Signature of Mayor

Date

CODE OF CONDUCT POLICY

These procedures are intended to serve as guidelines for the procurement of supplies, equipment, construction services and professional services for the Texas Community Development Block Grant (TxCDBG) Program. The regulations related to conflict of interest and nepotism may be found at the Texas Government Code Chapter 573, Texas Local Government Code Chapter 171, Uniform Grant Management Standards by Texas Comptroller, 24 CFR 570.489(g) & (h), and 2 CFR 200.318.

CODE OF CONDUCT

As a Grant Recipient of a TxCDBG contract, the City of Big Spring shall avoid, neutralize or mitigate actual or potential conflicts of interest so as to prevent an unfair competitive advantage or the existence of conflicting roles that might impair the performance of the TxCDBG contract or impact the integrity of the procurement process.

For procurement of goods and services, no employee, officer, or agent of the City of Big Spring shall participate in the selection, award, or administration of a contract supported by TxCDBG funds if he or she has a real or apparent conflict of interest. Such a conflict could arise if the employee, officer or agent; any member of his/her immediate family; his/her partner; or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

No officer, employee, or agent of the City of Big Spring shall solicit or accept gratuities, favors or anything of monetary value from contractors or firms, potential contractors or firms, or parties to sub-agreements, except where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.

Contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements.

For all other cases, no employee, agent, consultant, officer, or elected or appointed official of the state, or of a unit of general local government, or of any designated public agencies, or subrecipients which are receiving TxCDBG funds, that has any CDBG function/responsibility, or is in a position to participate in a decision-making process or gain inside information, may obtain a financial interest or benefit from the TxCDBG activity.

The conflict of interest restrictions and procurement requirements identified herein shall apply to a benefitting business, utility provider, or other third party entity that is receiving assistance, directly or indirectly, under a TxCDBG contract or award, or that is required to complete some or all work under the TxCDBG contract in order to meet the National Program Objective.

Any person or entity including any benefitting business, utility provider, or other third party entity that is receiving assistance, directly or indirectly, under a TxCDBG contract or award, or that is required to complete some or all work under the TxCDBG contract in order to meet a National Program Objective, that might potentially receive benefits from TxCDBG awards may not participate in the selection, award, or administration of a contract supported by CDBG funding.

Any alleged violations of these standards of conduct shall be referred to the City of Big Spring City Attorney. Where violations appear to have occurred, the offending employee, officer or agent shall be subject to disciplinary action, including but not limited to dismissal or transfer; where violations or infractions appear to be substantial in nature, the matter may be referred to the appropriate officials for criminal investigation and possible prosecution.

Passed and approved this 27th day of June, 2023.

Mayor Robert Moore

City of Big Spring

Limited English Proficiency Plan

Name Grantee:	City of Big Spring
Community Population:	26,144
LEP population:	32.4%
Languages spoken: 1) by more than 5% of the eligible population or beneficiaries and has more than 50 in number; or 2) By more than 5% of the eligible population or beneficiaries but has less than 50 or less in number; or 3) By more than 1,000 individuals in the eligible population in the market area or among current beneficiaries.	Spanish and English

Program activities to be accessible to LEP persons:	
☐	Public Notices and hearings regarding applications for grant funding, amendments to project activities, and completion of grant-funded project
☐	Publications regarding TxCDBG application, grievance procedures, <i>complaint procedures, complaint procedures, answers to complaints, notices, notices of rights and disciplinary action</i> , and other vital hearings, documents, and program requirements
☒	Other program documents: <u>Spanish speaking assistance available at City Hall for all items pertaining to Grant</u>

Resources available to Grant Recipient:	
☒	Translation services: _____
☒	Interpreter services: _____
☐	Other resources: _____

Language Assistance to be provided:	
☒	Translation (oral and/or written) of advertised notices and vital documents for: _____
☐	Referrals to community liaisons proficient in the language of LEP persons _____
☐	Public meetings conducted in multiple languages: _____
☐	Notices to recipients of the availability of LEP services: _____
☐	Other services: _____

Date: _____

Signature - Chief Elected Official or Civil Rights Officer _____

Fair Housing Policy

In accordance with Fair Housing Act, the City of Big Spring hereby adopts the following policy with respect to the Affirmatively Furthering Fair Housing:

1. The City of Big Spring *agrees to* affirmatively further fair housing choice for all seven protected classes (race, color, religion, sex, disability, familial status, and national origin).
2. The City of Big Spring *agrees to* plan at least one activity during the contract term to affirmatively further fair housing.
3. The City of Big Spring will introduce and pass a resolution adopting this policy.

As officers and representatives of the City of Big Spring, we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.

Signature

Mayor

Title

Date

City of Big Spring

Purchasing and Material Control

Memorandum

To: Honorable Mayor, City Council, City Manager

From: Albert Belez, Purchasing Supervisor

Date: June 20, 2023

Subject: Request approval to purchase 1-14ft Dump Trailer

On Monday, June 19, 2023, at the request of the City's Parks Department, the City of Big Spring's Purchasing department sought out pricing and availability of 1(one)- 14 ft. dump trailer. The Purchasing department received 3 (three) formal quotes. The lowest submitted quote is in the amount of \$10,799 for the trailer. The submitted quote is from Big Spring Trailer Sales of Big Spring, TX.

Of the 3 (three) submitted quotes, the quote from Big Spring Trailer Sales was \$458.50 lower than the second lowest submitted quote and \$1,486.99 lower than the highest submitted quote. A bid tabulation has been formulated and is attached to help in the decision-making process.

Recommendation: Due to the price and uncertainty in the current supply chain, City staff would like to respectfully request that the Council accept the formal quote from Big Spring Trailer Sales and proceed with the purchase.

Note: It is also important to note that the requested trailer is currently available for purchase.

14 Ft Dump Trailer Bid Tabulation

Big Spring Trailer Sales	Big Spring , TX	\$10,799
Big Tex Trailer World	Odessa, TX	\$12,285.99
Texas Pride Trailers	Madisonville, TX	\$11,257.50

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BIG SPRING TEXAS TO RENAME THE CITY STREET “SAGE CIRCLE” TO “SHROFF CIRCLE” AND AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY ACTION TO EFFECT THIS CHANGE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH THE ORDINANCE WAS DISCUSSED WERE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Under the home rule authority of the City of Big Spring, and Section 311.001, Texas Transportation Code, the City of Big Spring “has exclusive control over and under the public highways, streets, and alleys of the municipality;” and

WHEREAS, Under Section 46-235, Big Spring City Code, City Council has ordained a process for the renaming of streets; and

WHEREAS, Pursuant to ordinance, the Planning & Zoning Commission held an open meeting, duly noticed, on May 16, 2023, to consider the matter, and voted to recommend the change to City Council; and

WHEREAS, City Council held a duly-noticed public hearing at its open meeting June 27, 2023 to consider this matter;

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

SECTION 1. That street known as Sage Circle which originates on Caprock Drive between Scott Drive and Robb Drive in Big Spring, Texas, United States of America, extending from Caprock Drive in a northeast direction, and depicted on Exhibit A, incorporated into this Ordinance, shall hereinafter be known as Shroff Circle.

SECTION 2. The City Manager is authorized and directed to take all necessary action to revise the official street name map, and notify abutting property owners, all affected agencies of the effective date and new name for the street.

SECTION 3. Upon this Ordinance becoming effective, the City Manager or the City Manager’s designee is directed to to send a letter to the regional TxDOT district office notifying them of the change and giving them a copy of this Ordinance, and to provide additional copies to 9-1-1, the United States Post Office, FedEx, UPS, DHL, Howard Central Appraisal District, the School District, the Big Spring Police Department, the Big Spring Fire Department, the Howard County Sheriff’s Office, and the Texas Department of Public Safety.

SECTION 4. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 5. 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 6. It is hereby officially found and determined that the meetings at which this Ordinance was adopted were open to the public and that public notice of the time, place and purpose of said meetings was given as required by law.

SECTION 7. This Ordinance shall become effective immediately.

SECTION 8. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **27th** day of **June, 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 **11th** day of **July, 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. _____

ORDINANCE OF THE CITY OF BIG SPRING, TEXAS, GRANTING TO ATMOS ENERGY CORPORATION (A TEXAS AND VIRGINIA CORPORATION, WITH ITS PRINCIPAL OFFICE IN THE CITY OF DALLAS, DALLAS COUNTY, TEXAS) THE FRANCHISE AND RIGHTS TO CONDUCT IN SUCH CITY THE BUSINESS OF ACQUIRING, MAINTAINING, CONSTRUCTING, LAYING, REPAIRING, REMOVING, REPLACING, INSTALLING, OPERATING, AND DISPOSING OF A GAS SYSTEM FOR THE SALE, TRANSPORTATION, AND DISTRIBUTION OF NATURAL GAS WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY AND TO THE RESIDENTS AND BUSINESSES LOCATED THEREIN FOR LIGHT, HEAT, POWER, AND ANY OTHER PURPOSES AND THE RIGHT TO USE THE PRESENT AND FUTURE STREETS, ROADS, HIGHWAYS, ALLEYS, PUBLIC WAYS, AND REAL PROPERTY IN SUCH CITY AND OWNED OR CONTROLLED BY SUCH CITY FOR SUCH PURPOSES; PRESCRIBING THE TERMS AND CONDITIONS TO WHICH SUCH FRANCHISE AND RIGHTS ARE SUBJECT; PRESCRIBING THE TERM OF SUCH FRANCHISE AND RIGHTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH THE ORDINANCE WAS DISCUSSED WERE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND ESTABLISHING AN EFFECTIVE DATE.

Be it ordained by the City Council of the City of Big Spring that, subject to the terms and conditions hereinafter set forth, ATMOS ENERGY CORPORATION, a Texas and Virginia corporation with its principal office in the City of Dallas, Dallas County, Texas (hereinafter referred to as “Atmos”), be, and hereby is, granted the non-exclusive franchise and rights to conduct in the City of Big Spring, Texas (hereinafter referred to as the “City”) the business of acquiring (by purchase, lease, or otherwise), maintaining, constructing, laying, repairing, removing, replacing, installing, operating, and disposing of (by sale, lease, or otherwise) a gas system, as hereinafter defined, for the sale, transportation, and distribution of natural gas within the municipal boundaries of the City and to the residents and businesses located therein for light, heat, power, and any other purpose during the term set forth below. Such franchise and rights shall include, but not be limited to, the right to use the present and future streets, roads, highways, alleys, public ways, and other real property owned by or under the control of the City for purposes of maintaining, constructing, laying, repairing, removing, replacing, installing, and operating any and

all components of the gas system, together with access, at all times and from time to time, to such streets, roads, highways, alleys, public ways, and other real property during the term hereof.

ARTICLE I

DEFINITIONS

For purposes of this Ordinance, the following terms shall have the meanings set forth below:

Section 1.1. Gas System. The term “gas system” shall mean any and all pipelines, as hereinafter defined, meters, valves, compressors, anti-corrosion items, facilities, structures, machinery, equipment, and appurtenances of any kind that Atmos, in its sole discretion, may deem necessary or advisable for the exercise of the franchise and rights granted to Atmos herein.

Section 1.2. Pipelines. The term “pipelines” shall mean any and all above-ground and below-ground pipes, including, but not limited to, mains, distribution lines, secondary lines, laterals, and other pipes, that have been, are being, or are intended to be used at any time in, or in connection with, the sale, transportation, or distribution of natural gas within the City.

ARTICLE II

TERM

Section 2.1. Term. Unless earlier terminated in accordance with the terms and provisions hereof, the term of the franchise and rights hereby granted to Atmos shall be for a period of ten (10) years, commencing on the effective date hereof as defined in Section 7.6 below.

ARTICLE III

ACKNOWLEDGMENT AND GRANT OF SPECIFIC RIGHTS OF ATMOS

In addition to the franchise and rights granted herein to Atmos, the City acknowledges that Atmos has, and hereby grants to Atmos, the following rights and powers:

Section 3.1. Right to Contract. Atmos may enter into separate gas service contracts with industrial or other consumers in the City whose average consumption of gas generally is substantially in excess of the average consumption by residential or commercial consumers or whose service requirements generally are substantially different from the average service

requirements of residential or commercial consumers. Such contracts may provide for rates different from the rates applicable to such residential and commercial consumers.

Section 3.2. Discontinuance of Service. Atmos may discontinue service to any residential or commercial consumer for any lawful reason, including, but not limited to, such consumer's failure to pay, when due, any indebtedness owed by such consumer to Atmos.

Section 3.3. Reconnection Charges. In addition to any and all other proper charges, Atmos may charge and collect from any residential or commercial consumer whose service has been discontinued by Atmos a reasonable reconnection or similar charge for recommencing service to such consumer.

Section 3.4. Adoption of Rules. From time to time during the term hereof, Atmos may, subject to any and all valid and applicable statutes, ordinances, rules, and regulations of any federal or state governmental authority or agency, make and enforce reasonable rules pertaining to Atmos' business and operations, including, but not limited to, requiring any residential or commercial consumer to execute and deliver a written contract or amendment to an existing written contract prior, and as a condition, to the initial commencement, recommencement, or continuation of service to such consumer.

Section 3.5. Removal of Gas System. Atmos may remove all or any portion of the gas system upon the termination by the City, pursuant to Article VI of this Ordinance, of the franchise and rights granted hereby.

Section 3.6. Consumer Preferences. Atmos may give preference to residential consumers over other consumers during periods in which the total volume of gas available for distribution to and within the City is insufficient, for any reason whatsoever, to adequately supply all residential and commercial consumers.

ARTICLE IV

OBLIGATIONS OF ATMOS

Section 4.1. Franchise Fee.

(a) As consideration for the grant of the franchise and rights herein and for the use by Atmos of the streets, roads, highways, alleys, public ways, and other real property owned or controlled by the City, Atmos shall pay to the City, within thirty (30) days after the end of each calendar quarter, a franchise fee equal to three and one-half percent (3.5%) of Atmos' gross receipts derived from the sale, transportation, and distribution by Atmos of natural gas within the City

limits during the preceding calendar quarter. Additionally, Atmos shall pay to the City, within thirty (30) days after the end of each calendar quarter, a franchise fee equal to three and one-half percent (3.5%) of the value of gas transported by Atmos Energy for transport customers through the Gas System of Atmos to a delivery point within the City (excluding the value of any gas transported to another gas utility in the City for resale to its customers within the City), with the value of such gas to be established by utilizing Atmos' monthly Weighted Average Cost of Gas charged to industrial customers in the West Texas division, as reasonably near the time as the transportation service is performed. At any time during the term of this franchise, the City may increase the franchise fee payable hereunder, subject to and in accordance with all of the following terms and conditions:

- (1) The City may increase the franchise fee only if the franchise fee, as so increased, constitutes a charge for Atmos' use of the City's streets, roads, highways, alleys, public ways, and other real property that is reasonable and lawful. Such increase must be adopted by the governing body of the City at a public hearing that is held no earlier than thirty (30) days following the delivery to Atmos by the City, in person or by certified or registered mail, of a written notice stating the reason for, and the date, time, and place of, such hearing.
- (2) The franchise fee may not be increased pursuant to this Subsection 4.1(a) more than one time in any five-year period during the term of this franchise.
- (3) The franchise fee may not be increased at any one time by an amount exceeding one-half of one percent (0.5%) of Atmos' gross receipts derived from the sale, transportation, and distribution by Atmos of natural gas within the municipal boundaries of the City; and the total franchise fee payable hereunder may not be increased during the term hereof to an amount exceeding the lesser of (i) five percent (5%) of such gross receipts or (ii) the percentage of gross receipts payable by any electric utility doing business within the City pursuant to a franchise granted by the City.
- (4) In the event the franchise fee provided herein exceeds that franchise fee amount that is recovered by Atmos as part of its base rates for natural gas service charged to its customers within the City, or if the franchise fee is increased in accordance with this Subsection 4.1(a), the City agrees that Atmos may immediately add a line-item surcharge to the monthly bills of Atmos' customers located within the City in an amount sufficient to recover such excess or increase.

(b) Nothing in Subsection 4.1(a) shall preclude, or be deemed to preclude, Atmos and the City from agreeing to an increase in the franchise fee in excess of the limitations imposed in such subsection.

(c) The franchise fee, together with any and all charges of the City for water, sewage, and garbage services provided by the City to Atmos, any and all sales taxes collected by Atmos, and any and all ad valorem taxes assessed by the City against Atmos' property, shall constitute the only amounts for which Atmos shall be obligated to pay to the City and shall be in lieu of any and all other costs, levies, assessments, fees, or other amounts, of any kind whatsoever, that the City, currently or in the future, may charge Atmos or assess against Atmos' property.

Section 4.2. No Obstruction of Public Property. Atmos shall not, unnecessarily or for any unreasonable period of time, obstruct or interfere with the public use of any of the streets, roads, highways, alleys, public ways, or other real property owned or controlled by the City.

Section 4.3. Repair of Damages. Atmos shall repair any and all damages caused solely by Atmos to any streets, roads, highways, alleys, public ways, or other real property owned or controlled by the City and shall restore, as nearly as practicable, such property to substantially the same condition immediately prior to the incident causing such damage. The City may, from time to time, adopt reasonable ordinances regulating such work.

Section 4.4. Conduct of Work and Activities. Atmos shall use reasonable care in conducting its work and activities in order to prevent injury to any person and unnecessary damage to any real or personal property.

Section 4.5. Use of Alleys. Atmos shall attempt to utilize the alleys of the City insofar as is reasonably practicable in conducting its work and activities hereunder. Notwithstanding the foregoing, however, Atmos may, when reasonably necessary, utilize the streets and any other public ways owned or controlled by the City to perform such work and activities.

Section 4.6. Service and Supply. Atmos shall use reasonable care to furnish good and reliable service and an adequate supply of natural gas.

Section 4.7. Installation of Underground Pipelines. Atmos shall, when reasonably practicable, install all pipelines under-ground at such depth and in such manner so as not to interfere with the existing pavement, curbs, gutters, or underground wires, cables, or water or sewer pipes owned or controlled by the City.

Section 4.8. No Discrimination Between Consumers. Subject to Atmos' rights set forth in Article III of this Ordinance, Atmos shall not discriminate against any consumer with respect to charges for natural gas or services rendered under substantially the same circumstances to other consumers of the same classification.

Section 4.9. Changes in Gas System.

(a) Atmos shall, upon written request from the City, change the location, position, route, or depth of any pipeline or other component of the gas system if and when such change becomes reasonably necessary because of a change in the grade of any street, road, highway, alley, public way, or other real property owned or controlled by the City or because of any change in the location of, or in the manner of maintaining, constructing, laying, repairing, removing, replacing, installing, or operating any pavement, curbs, gutters, or underground wires, cables, or water or sewer pipes owned or controlled by the City. The City's written request for such change must set forth, in detail, all of the essential elements and specifications of the requested change.

(b) Atmos may seek payment from any governmental entity or agency, person, or party of any amount to which Atmos may be entitled because of such change in location, position, route, or depth or because of the abandonment of any pipeline or other component of the gas system regardless of whether such pipeline or component is wholly or partially located in any public or private way or right-of-way.

Section 4.10. Service to New Areas. If during the term of this franchise the boundaries of the Town are expanded, the Town will promptly notify Atmos in writing of any geographic areas annexed by the Town during the term hereof ("Annexation Notice"). Any such Annexation Notice shall be sent to Atmos by certified mail, return receipt requested, and shall contain the effective date of the annexation, maps showing the annexed area and such other information as Atmos may reasonably require in ascertaining whether there exist any customers of Atmos receiving natural gas service in said annexed area. To the extent there are such Atmos customers therein, then the gross revenues of Atmos derived from the sale and distribution of natural gas to such customers shall become subject to the franchise fee provisions hereof effective on the first day of Atmos' billing cycle immediately following Atmos' receipt of the Annexation Notice. The failure by the Town to advise Atmos in writing through proper Annexation Notice of any geographic areas which are annexed by the Town shall relieve Atmos from any obligation to remit any franchise fees to Town based upon gross revenues derived by Atmos from the sale and

distribution of natural gas to customers within the annexed area until Town delivers an Annexation Notice to Atmos in accordance with the terms hereof.

Section 4.11. Schedule of Rates. Atmos shall, at all times, keep on file with the City a schedule setting forth current residential and commercial rates for natural gas and services rendered to customers within the City. Nothing contained in this Ordinance, however, shall adversely affect Atmos' right to apply for an increase in all or any of its rates at any time and from time to time during the term hereof and to a lawful and equitable decision with respect to any such application.

Section 4.12. Rebates. Atmos shall not grant, directly or indirectly, any rebate, in the form of money or any other thing of value, to any consumer in order to circumvent the rate schedule filed with the City pursuant to Section 4.10 of this Article IV.

Section 4.13. Maps of Gas System. Atmos shall have available a map or maps showing the current location of all pipelines and other components of Atmos' natural gas distribution facilities located in the City.

Section 4.14. Bond for Removal of Gas System. Atmos shall, upon electing to remove all or any portion of the gas system in accordance with Section 3.5 of Article III of this Ordinance, file with the Secretary of the City a bond in a reasonable amount and with a proper and adequate surety, securing Atmos' obligation to promptly repair, at Atmos' sole expense, any damage to any real property owned or controlled by the City caused by Atmos' removal of all or any portion of the gas system and to restore such property to substantially the same condition it was in immediately prior to the incident causing such damage.

ARTICLE V

RIGHTS OF THE CITY

Section 5.1. Use of City Property. The right of Atmos hereunder to use any streets, roads, highways, alleys, public ways, and other real property owned or controlled by the City shall in no way affect the right of the City or its agents to maintain, construct, lay, repair, remove, replace, install, or operate any pavement, curbs, gutters, or underground wires, cables, or water or sewer pipes owned by the City and located on or near such streets, roads, highways, alleys, public ways, and other real property.

Section 5.2. Inspection of Books and Records. The City may, at its sole expense and, upon reasonable prior notice, at any reasonable time during normal business hours, inspect and copy any of Atmos' books and records, wherever located, pertaining to and directly affecting the rights of the City arising under or by virtue of this Ordinance.

ARTICLE VI

REMEDIES UPON DEFAULT BY ATMOS

Section 6.1. Termination of Franchise and Rights. In the event of a substantial breach by Atmos of any material provision of this Ordinance, the City may terminate the franchise and rights granted to Atmos hereunder, provided, however, that such termination shall not be effective unless and until the procedures described below have been followed:

(a) The City must deliver to Atmos, by certified or registered mail, a written notice signed by the Mayor, attested by the Secretary, and sealed with the official seal of the City. Such notice must (i) fairly and fully set forth in detail each of the alleged acts or omissions of Atmos that the City contends constitutes a substantial breach of any material provision hereof, (ii) designate which of the terms and conditions hereof the City contends Atmos breached, and (iii) specify the date, time, and place at which a public hearing will be held by the governing body of the City for the purpose of determining whether the allegations contained in the notice did in fact occur, provided, however, that the date of such hearing may not be less than thirty (30) days after the date of such notice.

(b) Within ten (10) days following the adjournment of the public hearing described in Subsection 6.1(a) above, the City must deliver to Atmos, by certified or registered mail, a written notice signed by the Mayor, attested by the Secretary, and sealed with the official seal of the City, setting forth (i) the acts and omissions of Atmos described in the first notice that the governing body of the City determines to have in fact occurred and (ii) the specific terms and conditions of this Ordinance listed in the first notice that the governing body of the City determines to have in fact been breached by such acts or omissions of Atmos.

(c) The City must permit Atmos the opportunity to substantially correct all of the breaches hereof set forth in the written notice described in Subsection 6.1(b) above within sixty (60) days after Atmos' receipt of such notice.

ARTICLE VII
GENERAL PROVISIONS

Section 7.1. Force Majeure. Notwithstanding anything expressly or impliedly to the contrary contained herein, in the event Atmos is prevented, wholly or partially, from complying with any obligation or undertaking contained herein by reason of any event of force majeure, then, while so prevented, compliance with such obligations or undertakings shall be suspended, and the time during which Atmos is so prevented shall not be counted against Atmos for any reason. The term “force majeure”, as used herein, shall mean any cause not reasonably within Atmos' control and includes, but is not limited to, acts of God, strikes, lock-outs, wars, terrorism, riots, orders or decrees of any lawfully constituted federal, state, or local body, contagions or contaminations hazardous to human life or health, fires, storms, floods, wash-outs, explosions, breakages or accidents to machinery or lines of pipe, inability to obtain or the delay in obtaining rights-of-way, materials, supplies, or labor permits, temporary failures of gas supply, or necessary repair, maintenance, or replacement of facilities used in the performance of the obligations contained in this Ordinance.

Section 7.2. Other Ordinances. Except to the extent otherwise expressly provided herein, the franchise and rights granted hereby and the operations and activities performed by Atmos pursuant hereto shall be subject to all valid ordinances and regulations of the City and any valid amendments thereto insofar as, and only insofar as, such ordinances and regulations (i) do not shorten the term hereof or terminate, abrogate, or materially and adversely affect the franchise and rights granted to Atmos hereby or (ii) do not conflict with or are not inconsistent with the terms and provisions contained in this Ordinance, such conflicting or inconsistent ordinances hereby being repealed to the extent of such conflict or inconsistency.

Section 7.3. Amendments. This Ordinance and the franchise and rights granted herein may be amended only by written agreement of the City and Atmos to such amendment.

Section 7.4. Severability. In the event any part of this Ordinance is determined to be invalid or illegal for any reason whatsoever, such invalidity or illegality shall not affect the validity or legality of this Ordinance as a whole or of any part hereof.

Section 7.5. Binding Effect. This Ordinance shall extend to, be binding upon, and inure to the benefit of, the parties hereto and their respective successors and assigns.

Section 7.6. Effective Date. This Ordinance shall become effective on the date on which this Ordinance is finally adopted by the City in accordance with law, and Atmos shall file with the Secretary of the City a letter stating that Atmos accepts this Ordinance as adopted and agrees to comply with and be bound by all of the terms and conditions hereof. A true and correct copy of this Ordinance as finally adopted shall be attached to such letter and by reference made a part thereof, and the letter shall be addressed to the Mayor and the governing body of the City, dated, and executed by an authorized officer of Atmos. Upon this Ordinance becoming effective, this Ordinance shall supersede any and all prior ordinances of the City, including but not limited to Ordinance No. 029-2012, regarding the subject matter of this Ordinance.

Section 7.7. Section and Other Headings. The section and other headings contained in this Ordinance are for reference purposes only and shall not affect in any way the meaning or interpretation of this Ordinance.

Section 7.8. Meetings Posted and Open to the Public. It is hereby officially found and determined that the meetings at which this Ordinance was adopted were open to the public and that public notice of the time, place and purpose of said meetings was given as required by law.

Section 7.9. Non-Waiver of Governmental Immunity.

(a) The City of Big Spring expressly retains all rights and benefits of governmental immunity from liability and suit for damages in accordance with applicable state law.

(b) Nothing in this Ordinance shall be deemed as a waiver of governmental immunity or as increasing the City of Big Spring's liability beyond any statutory limitation of liability.

(c) Nothing in this Ordinance shall inure to the benefit of any third party for the purpose of allowing any claim against the City of Big Spring which would otherwise be barred under the doctrine of governmental immunity or operation of law.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **27th** day of **June, 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 **11th** day of **July, 2023** with all members of the Council voting “aye” for the passage of same.

ATTEST:

CITY OF BIG SPRING, TEXAS

Tami L. Davis, City Secretary

By: _____
Robert H. Moore, III, Mayor

City's Mailing Address and Phone Number:

ATTN: City Manager
310 Nolan Street
Big Spring, Texas 79720
(432) 264-2401