



CITY COUNCIL REGULAR AGENDA

Tuesday, July 25, 2023

Notice is hereby given that the City Council of the City of Big Spring, Texas will meet in Regular Session on Tuesday, July 25, 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.
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|--|-------------|-------|
| 5. PUBLIC HEARING - Consideration and Possible Action
Concerning Abatement of Public Nuisance, at 1601
HARDING, BIG SPRING, TEXAS 79720 - LEGAL
DESCRIPTION: LT 1 BK 1 AVION 52.5X150 441
BLK/TRACT 1 0.179 ACRES - OWNER: ROBERTO PEREZ | 6-32 | Hagen |
| 6. PUBLIC HEARING - Consideration and Possible Action
Concerning Abatement of Public Nuisance, at 603 NW 5TH,
BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: LESS
S/131' W/2 OF LT 17 BK 99 ORIGINAL TOWN 51X85 0183
0.1 ACRES AQU 11102014 - OWNER: SANDRA FIERRO
MUNIZ | 33-54 | Hagen |
| 7. PUBLIC HEARING - Consideration and Possible Action
Concerning Abatement of Public Nuisance, at 1401 NOLAN,
BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: LTS
5-6 "B" BK 16 FAIRVIEW HEIGHTS 50X140 366 ACQ
092007 0.161 ACRES - OWNER: LEONOR RIOS | 55-
105 | Hagen |
| 8. PUBLIC HEARING - Consideration and Possible Action
Concerning Abatement of Public Nuisance, at 1206 NW 7TH
ST, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION:
LTS 5-6 BK 2 BANKS 100X140 164 ACQ 07232012 0.322
ACRES - OWNER: SAMUEL CASTRO | 106-
132 | Hagen |
| 9. PUBLIC HEARING - Consideration and Possible Action
Concerning Abatement of Public Nuisance, at 504 E 16TH
ST, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION:
E/12.5 OF LT 2 ALL LT 3 BK 13 COLE & STRAYHORN
62.5X140 803 BLK/TRACT 13 0.199 ACRES - OWNER: E.W
THOMAS AND ANNIE BELLE THOMAS | 133-
175 | Hagen |

City Manager's Report

- | | |
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| 10. City Manager's report on the following items: | Darden |
| <ul style="list-style-type: none">• Update - Large Item Pickup, District 1• Update - E-Waste Recycling Day• Update - Downtown Revitalization Project• Update - Street Striping• Update - Park Plaza• Update - Bert Andries Splash Pad | |

- Russ McEwen Aquatic Center Last Day - August 5th

Consent Items

- | | | |
|--|---------|----------|
| 11. Approval of the City Council Minutes of the Regular Meeting of July 11, 2023. | 176-184 | 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 Publicaiton; and Providing an Effective Date | 185-187 | S. Smith |
| 13. Final Reading of a Resolution Supporting the Planning and Construction of the Future Interstate Highway 27 in Texas; Providing for Severability; and Providing an Effective Date | 188-189 | McDonald |
| 14. Final Reading of a Resolution Renewing the Infill Development Incentive Program Designed to Facilitate Private Investment Toward the Construction of Single-Family Housing Within the City Limits of Big Spring and Therefore Encourage Economic Development that Benefits the Health, Safety, and Welfare of the Big Spring Community; Finding and Determining that the Meeting at Which the Resolution were Discussed were Open to the Public as Required by Law; Providing for Repeal of Conflicting Resolutions; and Providing an Effective Date | 190-197 | Bowles |
| 15. Final Reading of a Resolution Authorizing the City Manager to Initiate Annexation of Property Owned by the City of Big Spring to be Annexed into the City Limits; Said Property Being Described as Approximately 11.06 Acres in Lt 1, Block 1, Mid Tex Cornell Corrections Prison, Also Known as 1801 West I-20, in Big Spring, Howard County, Texas, Adjacent to the City of Big Spring, Texas City Limits and Approving a Service Plan Agreement for Such Area; and Providing an Effective Date | 198-208 | Darden |
| 16. Final Reading of an Ordinance Establishing Classifications and Number of Positions for the Fire Department Pursuant to Section 143.021, Texas Local Government Code; Decreasing the Number of Sworn Fire Department Personnel by Ten (10) | 209-212 | Darden |

from Seventy-Four (74) to Sixty-Four (64) Through Attrition with No Current Positions Being Eliminated; Providing for Repeal of Conflicting Ordinances; Providing a Severability Clause; Finding and Determining that the Meetings at Which the Ordinance were Discussed were Open to the Public as Required by Law; Providing for Publication; and Providing for an Effective Date

Vouchers

17. Vouchers for 07/06/23	\$	352,207.78	Ornelas
Vouchers for 07/14/23	\$	779,709.10	
Vouchers for 07/20/23	\$	762,058.74	
Drafts	\$	915,381.63	

Bids

18. Consideration and Possible Action on Awarding a Bid for a Trash Truck for the Sanitation Department and Authorizing the City Manager or His Designee to Execute any Necessary Documents	213	Medina
19. Consideration and Possible Action on Awarding a Bid for Sludge Collection and Dewatering Facilities at the Water Treatment Plant and Authorizing the City Manager or His Designee to Execute any Necessary Documents	214- 215	Bowles

New Business

20. 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 Purchase of a Sanitation Truck; Providing for Severability; Providing for Publication; and Providing an Effective Date	216- 217	S. Smith
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Council Input

21. Input	Moore
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Executive Session

22. Adjourn into Executive Session in Accordance with the Purposes Permitted by the Open Meetings Act, Section	Moore
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551.071, Texas Government Code, "Consultation with Attorney; Closed Meeting," and the Texas Disciplinary Rules of Professional Conduct, to Provide Legal Advice and Counsel with Respect to Litigation. City of Big Spring v. Jake Tiner Construction, LLC (No. 54929).

23. **Reconvene** into Open Session and Take any Necessary Action on Executive Session Item Moore
24. **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, July 21, 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.

1601 HARDING

Code Enforcement Officer: Malissa Garcia

Exhibit B-1

STATE OF TEXAS

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COUNTY OF HOWARD

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**AFFIDAVIT OF MALISSA GARCIA
CONCERNING 1601 HARDING**

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

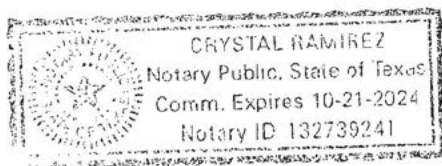
“My name is **Malissa Garcia**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

“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 **1601 HARDING**, 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 July, 2023.

M. Garcia
AFFIANT

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

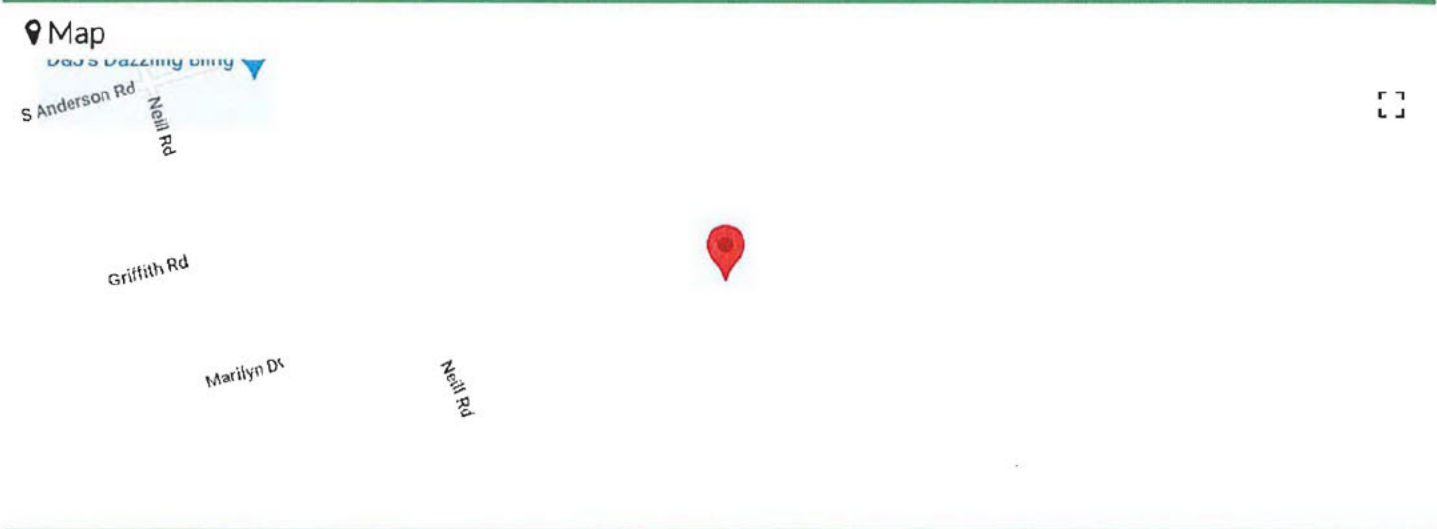


Crystal Ramirez
Notary Public, State of Texas

Exhibit B-2

Howard CAD Property Search

Property ID: 276663 For Year 2023



Property Details

Account

Property ID:	276663	Geographic ID: B2130000100
Type:	Real	Zoning:
Property Use:		Condo:
Location		
Situs Address:	1601 HARDING	
Map ID:		Mapsco:
Legal Description:	LT 1 BK 1 AVION 52.5X150 441 BLK/TRACT 1 0.179 ACRES	
Abstract/Subdivision:		
Neighborhood:	WRGT WRIGHTS	
Owner ⓘ		
Owner ID:	18449	
Name:	PEREZ ROBERTO D ET UX	
Agent:		
Mailing Address:	201 NE 6TH	
	BIG SPRING , TX 79720	
% Ownership:	100.0%	
Exemptions:	For privacy reasons not all exemptions are shown online.	

Property Values

Improvement Homesite Value:	\$17,135 (+)
Improvement Non-Homesite Value:	\$0 (+)
Land Homesite Value:	\$2,288 (+)
Land Non-Homesite Value:	\$0 (+)
Agricultural Market Valuation:	\$0 (+)

2019	\$11,675	\$2,080	\$0	\$13,755	\$0	\$13,755
2018	\$12,144	\$2,080	\$0	\$14,224	\$0	\$14,224
2017	\$24,961	\$2,080	\$0	\$0	\$0	\$27,041
2016	\$25,884	\$2,080	\$0	\$0	\$0	\$27,964
2015	\$26,811	\$2,080	\$0	\$0	\$0	\$28,891
2014	\$22,028	\$780	\$0	\$0	\$0	\$22,808
2013	\$22,030	\$780	\$0	\$0	\$0	\$22,723
2012	\$19,877	\$780	\$0	\$0	\$0	\$20,657

Property Deed History

Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Number
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Estimated Tax Due

ATTENTION

Indicated amount may not reflect delinquent tax due beyond a 5-year history. Partial payments or contract payments may not be reflected. Quarter payments that are made according to Section 31.031 of the Texas Property Tax Code are not considered delinquent.

PRIOR TO MAKING FULL OR PARTIAL PAYMENTS PLEASE CONTACT OUR OFFICE FOR A CURRENT AMOUNT DUE

WE CANNOT GUARANTEE THE ACCURACY OF THE AMOUNT DUE LISTED BELOW

If Paid: 05/04/2023



Year	Taxing Jurisdiction	Taxable Value	Base Tax	Base Taxes Paid	Base Tax Due	Discount/Penalty & Interest	Attorney Fees	Amount Due
2023	HOWARD COUNTY	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2023	CITY OF BIG SPRING	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2023	BIG SPRING ISD	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2023	HOWARD COLLEGE	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2023 Total:			N/A	N/A	N/A	N/A	N/A	N/A
2022	HOWARD COUNTY	\$18,967	\$45.32	\$0.00	\$45.32	\$5.89	\$0.00	\$51.21
2022	CITY OF BIG SPRING	\$18,967	\$127.68	\$0.00	\$127.68	\$16.60	\$0.00	\$144.28
2022	BIG SPRING ISD	\$18,967	\$176.56	\$0.00	\$176.56	\$22.95	\$0.00	\$199.51
2022	HOWARD COLLEGE	\$18,967	\$31.94	\$0.00	\$31.94	\$4.15	\$0.00	\$36.09
2022	CREDIT	\$0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2022 Total:			\$381.50	\$0.00	\$381.50	\$49.60	\$0.00	\$431.09
2021	HOWARD COUNTY	\$19,148	\$62.72	\$62.72	\$0.00	\$0.00	\$0.00	\$0.00
2021	CITY OF BIG SPRING	\$19,148	\$128.90	\$128.90	\$0.00	\$0.00	\$0.00	\$0.00
2021	BIG SPRING ISD	\$19,148	\$194.54	\$194.54	\$0.00	\$0.00	\$0.00	\$0.00
2021	HOWARD COLLEGE	\$19,148	\$45.34	\$45.34	\$0.00	\$0.00	\$0.00	\$0.00
2021 Total:			\$431.50	\$431.50	\$0.00	\$0.00	\$0.00	\$0.00
2020	HOWARD COUNTY	\$13,980	\$41.88	\$41.88	\$0.00	\$0.00	\$0.00	\$0.00

2013	HOWARD COLLEGE	\$0	\$36.10	\$36.10	\$0.00	\$0.00	\$0.00	\$0.00
	2013 Total:		\$208.82	\$208.82	\$0.00	\$0.00	\$0.00	\$0.00
2012	HOWARD COUNTY	\$0	\$51.67	\$51.67	\$0.00	\$0.00	\$0.00	\$0.00
2012	CITY OF BIG SPRING	\$0	\$92.19	\$92.19	\$0.00	\$0.00	\$0.00	\$0.00
2012	BIG SPRING ISD	\$0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2012	HOWARD COLLEGE	\$0	\$27.65	\$27.65	\$0.00	\$0.00	\$0.00	\$0.00
	2012 Total:		\$171.51	\$171.51	\$0.00	\$0.00	\$0.00	\$0.00

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
1601 HARDING CASE NOTES**

“This record, attached as **Exhibit B-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.

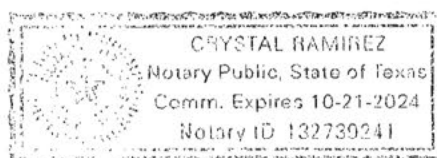
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout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

SIGNED on the 19 day of July, 2023.

M. Garcia
AFFIANT

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

by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit B-3

06-20-2023 11:53 AM
TASK #: 115687
TASK CODE: INSPECT SUBSTANDARD
PROPERTY: 1601 HARDING ST

TASK NOTES REPORT

ORIG. DATE:
DUE DATE:

NOTES

Incident Notes:

Task #: 115687 - INSPECT SUBSTANDARD - 5/04/2023
5-4-2023 drove by and there are windows and doors missing. the roof has
holes all over the roof where the shingles and wood are missing.this
structure needs to be secured and fixed
6-20-2023 Drove by and nothing was done owner is Roberto Perez letter of
abatement will be sent to 201 NE 6th Big Spring Tx 79720.. DL [REDACTED]
SS [REDACTED] D.O.B [REDACTED]

Task #: 115688 - SUBSTANDARD BLD - 5/04/2023

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 B-4** I am familiar with and recognize the scene depicted in the photographs. On May, 4th, 2023, I inspected the property described as:

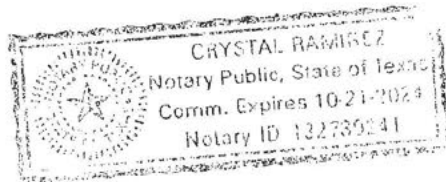
LT 1 BK 1 AVION 52.5X150 441 BLK/TRACT 1 0.179 ACRES Big Spring,
Howard County, Texas, also known as **1601 HARDING**, Big Spring, Texas.

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

SIGNED on the 19 day of July, 2023.

M. Garcia
AFFIANT

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



Crystal Ramirez
Notary Public, State of Texas

Exhibit B-4



5/ 4/2023 9:52



5/ 4/2023 9:52





5/ 4/2023 9:52





STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
NOTICE SENT BY MALISSA GARCIA**

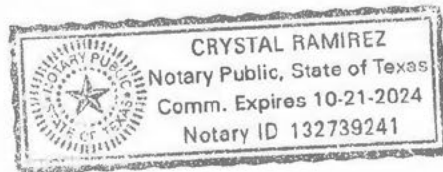
“The document in **Exhibit B-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

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

SIGNED on the 19 day of July, 2023.

M. Garcia
AFFIANT

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



Crystal Ramirez
Notary Public, State of Texas

Exhibit B-6



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

July 14, 2023

Roberto Perez
201 NE 6TH ST
Big Spring, Texas 79720

Re: 201 NE 6TH, BIG SPRING, TEXAS 79720
LEGAL DESCRIPTION: LT 1 BK 1 AVION 52.5X150 441 BLK/TRACT 1 0.179
ACRES, HOWARD COUNTY

Big Spring Code Compliance has determined that at the following structure(s): Main Structure, 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.	
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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

Malissa Garcia

Name

Code Enforcement Officer

Title

+1 (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.

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, July 25, 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.

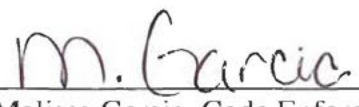
NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, 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,



Malissa Garcia, Code Enforcement Officer
City of Big Spring, Texas

Exhibit B-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 **JULY 25th, 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:

603 NW 5TH ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LESS S/131' W/2 OF LT 17 BK 99 ORIGINAL TOWN 51X85 0183 0.1 ACRES AQU 11102014- OWNER: SANDRA J FIERRO MUNIZ

1601 HARDING, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 1 BK 1 AVION 52.5X150 441 BLK/TRACT 1 0.179 ACRES – OWNER: ROBERTO D PEREZ and VIRGINIA M. PEREZ

1206 NW 7TH ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LTS 5-6 2 BANKS 100X140 164 ACQ 07232012 0.322 ACRES – OWNER: SAMUEL CASTRO

1401 NOLAN, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LTS 5-6 'B' BK 16 FAIRVIEW HEIGHTS 50X140 366 ACQ 092007 0.161 ACRES – OWNER: LEONOR RIOS

504 E 16TH ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: E/12.5 OF LT 2 ALL LT 3 BK 13 COLE & STRAYHORN 2.5X140 803 BLK/TRACT 13 0.199 ACRES – OWNER: E. W. THOMAS and ANNIE BELLE THOMAS

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

603 NW 5TH

Code Enforcement Officer: Malissa Garcia

Exhibit A-1

STATE OF TEXAS

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COUNTY OF HOWARD

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**AFFIDAVIT OF MALISSA GARCIA
CONCERNING 603 NW 5TH**

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

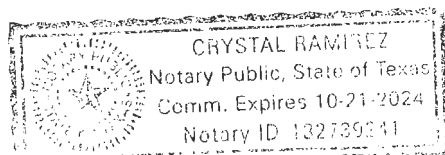
“My name is **Malissa Garcia**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

“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 **603 NW 5TH**, 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 July, 2023.

M. Garcia
AFFIANT

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



Crystal Ramirez
Notary Public, State of Texas

Exhibit A-2

Property Details

Account

Property ID: 285241 **Geographic ID:** B4830080100

Type: Real **Zoning:**

Property Use: **Condo:**

Location

Situs Address: 603 NW 5TH

Map ID: **Mapsco:**

Legal Description: LESS S/131' W/2 OF LT 17 BK 99 ORIGINAL TOWN 51X85 0183 0.1 ACRES
AQU 11102014

Abstract/Subdivision:

Neighborhood: TENN TENNYSON

Owner

Owner ID: 422688

Name: MUNIZ SANDRA J FIERRO

Agent:

Mailing Address: 1304 MICHAEL AVE
BIG SPRING, TX 79720

% Ownership: 100.0%

Exemptions: For privacy reasons not all exemptions are shown online.

Property Values

Improvement Homesite Value: \$3,183 (+)

Improvement Non-Homesite Value: \$0 (+)

Land Homesite Value: \$2,244 (+)

Land Non-Homesite Value: \$0 (+)

Agricultural Market Valuation: \$0 (+)

STATE OF TEXAS

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COUNTY OF HOWARD

CERTIFICATION
603 NW 5TH 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.

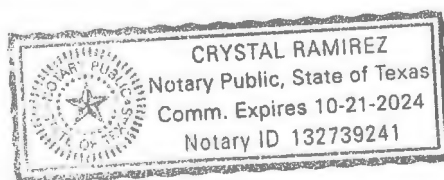
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout 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 July, 2023.

M. Garcia
AFFIANT

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

by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit A-3

NOTES

Incident Notes:

Task #: 115631 - INSPECT SUBSTANDARD - 5/04/2023

4-5-2023 drove by and notice roof was falling apart, windows are broken and foundation is coming apart.

Task #: 115632 - SUBSTANDARD BLD - 5/04/2023

STATE OF TEXAS

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 April, 5th, 2023, I inspected the property described as:

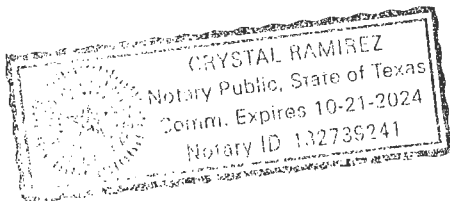
LESS S/131'W/2 OF LT 17 BK 99 ORIGINAL TOWN 51X85 0183 0.1 ACRES
AQU 1102014 Big Spring, Howard County, Texas, also known as **603 NW 5TH**,
Big Spring, Texas.

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

SIGNED on the 19 day of July, 2023.

M. Garcia
AFFIANT

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



Crystal Ramirez
Notary Public, State of Texas

Exhibit A-4





4/ 5/2023 14:33

Exhibit A-5

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
NOTICE SENT BY MALISSA GARCIA**

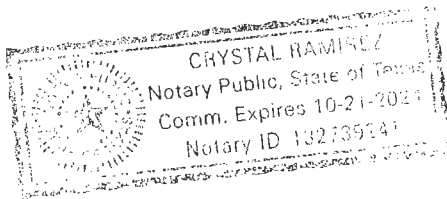
“The document in **Exhibit A-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

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

SIGNED on the 19 day of July, 2023.

M. Garcia
AFFIANT

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



Crystal Ramirez
Notary Public, State of Texas

Exhibit A-6



NOTICE OF VIOLATION AND NOTICE OF HEARING

Sent via: Certified Mail; Return Receipt Requested

July 14, 2023

SANDRA J FIERRO MUNIZ
1304 Michael Ave
Big Spring, Texas 79720

Re: 603 NW 5TH, BIG SPRING, TEXAS 79720

**LEGAL DESCRIPTION: LESS S/131'W/2 OF LT 17 BK 99 ORIGINAL TOWN
51X85 0183 0.1 ACRES AQU 1102014, HOWARD COUNTY**

Big Spring Code Compliance has determined that at the following structure(s): Main Structure, 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

Malissa Garcia

Name

Code Enforcement Officer

Title

+1 (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.

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, July 25, 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.

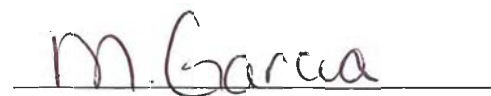
NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, 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,

A handwritten signature in purple ink that reads "M. Garcia". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Malissa Garcia, Code Enforcement Officer
City of Big Spring, Texas

Exhibit A-8



7/17/2023 7:54



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 **JULY 25th, 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:

603 NW 5TH ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LESS S/131' W/2 OF LT 17 BK 99 ORIGINAL TOWN 51X85 0183 0.1 ACRES AQU 11102014- OWNER: SANDRA J FIERRO MUNIZ

1601 HARDING, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 1 BK 1 AVION 52.5X150 441 BLK/TRACT 1 0.179 ACRES – OWNER: ROBERTO D PEREZ and VIRGINIA M. PEREZ

1206 NW 7TH ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LTS 5-6 2 BANKS 100X140 164 ACQ 07232012 0.322 ACRES – OWNER: SAMUEL CASTRO

1401 NOLAN, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LTS 5-6 "B" BK 16 FAIRVIEW HEIGHTS 50X140 366 ACQ 092007 0.161 ACRES – OWNER: LEONOR RIOS

504 E 16TH ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: E/12.5 OF LT 2 ALL LT 3 BK 13 COLE & STRAYHORN 2.5X140 803 BLK/TRACT 13 0.199 ACRES – OWNER: E. W. THOMAS and ANNIE BELLE THOMAS

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

1401 NOLAN

Code Enforcement Officer: Malissa Garcia

Exhibit D-1

STATE OF TEXAS

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COUNTY OF HOWARD

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**AFFIDAVIT OF MALISSA GARCIA
CONCERNING 1401 NOLAN**

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

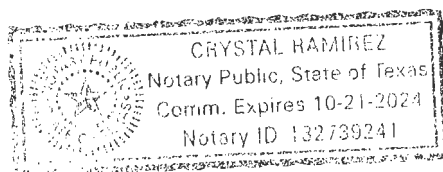
“My name is **Malissa Garcia**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

“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 **1401 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 19 day of July, 2023.

M. Garcia
AFFIANT

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



Crystal Ramirez
Notary Public, State of Texas

Exhibit D-2

Property Details

Account

Property ID:	281249	Geographic ID:	B3390012600
Type:	Real	Zoning:	
Property Use:		Condo:	

Location

Situs Address:	1401 NOLAN
Map ID:	Mapsc0:
Legal Description:	LTS 5-6 "B" BK 16 FAIRVIEW HEIGHTS 50X140 366 ACQ 092007 0.161 ACRES

Abstract/Subdivision:

Neighborhood:	MCDW
---------------	------

Owner ⓘ

Owner ID:	5888
Name:	RIOS LEONOR

Agent:

Mailing Address:	1401 NOLAN
	BIG SPRING , TX 79720

% Ownership:	100.0%
--------------	--------

Exemptions:	HS - HOMESTEAD
	For privacy reasons not all exemptions are shown online.

Property Values

Improvement Homesite Value:	\$118,852 (+)
Improvement Non-Homesite Value:	\$0 (+)
Land Homesite Value:	\$3,500 (+)
Land Non-Homesite Value:	\$0 (+)
Agricultural Market Valuation:	\$0 (+)

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
1401 NOLAN 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.

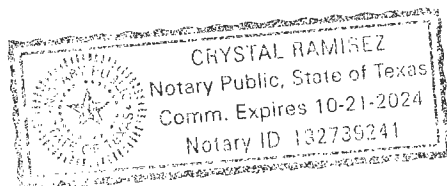
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout 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 July, 2023.

M. Garcia
AFFIANT

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

by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit D-3

NOTES

Incident Notes:

Task #: 115067 - INSPECT SUBSTANDARD - 3/23/2023

3/23/23 Inspected property on 2/23/23 and the storage building in the rear of the property to be substandard. The building is leaning over and appears that it could fall at any time. The roof is deteriorated, the walls have holes and are not load bearing. Structure needs to be torn down. Sent notice of violation.

4/3/23 Talked to Leonor Rios @ 432-213-2116. She said she wants to keep the building in the back and her son is going to fix it up. I told her she needs to submit a building plan on how they plan to fix it and when they will do it. Also made her aware that if it falls on the City to abate the property, we will tear down the structure because it is unsafe.

6/21/23 Inspected property and the structure is in worse condition. Turning over for abatement. Structure needs demoed.

NOTES

Incident Notes:

Task #: 115063 - INSPECT ACCUMULATED - 3/23/2023

3/23/23 Inspected property on 2/23/23 and found an accumulation of items on the property including junk, trash, scrap wood, and logs. Sent notice of violation to property owner Leonor Rios.

4/3/2023 Talked to Leonor Rios on the phone when she called the office. I told her she needs to pick up the accumulation around her house and she said they are working on it. Did not give a timeframe of when she thought they'd be done.

6/21/23 Inspected property and found that there is still an accumulation. It appears that maybe some of it was removed, however it could also be hided by the very high weeds. Turning in to legal department for abatement.

Task #: 115064 - ACCUMULATED ITEMS - 3/23/2023

3/23/23 Sent notice of violation.

NOTES

Incident Notes:

Task #: 115065 - INSPECT - 3/23/2023

3/23/23 Inspected property on 2/23/23 and found an accumulation of items that can provide harborage and/or food to rodents and other vermin. Sent notice of violation to property owner Leonor Rios.

6/21/23 Inspected property and the accumulation is still there along with very high weeds which both can provide harborage to rodents. Turning case over to legal department for abatement.

Task #: 115066 - RODENT CONTROL - 3/23/2023

3/23/23 Sent notice of violation.

NOTES

Incident Notes:

Task #: 115061 - INSPECT WEEDL LOT - 3/23/2023

3/23/23 Inspected property on 2/23/23 and found the property to be overgrown with grass and weeds. Sent notice of violation to property owner Leonor Rios.

6/21/23 Inspected property and found that the grass and weeds actually grew taller. Turning in for abatement due to having AI and SUB violations as well.

Task #: 115062 - WEEDY LOT LTR - 3/23/2023

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 D-4** I am familiar with and recognize the scene depicted in the photographs. On February, 13, 2023 and June, 21st, 2023, I inspected the property described as:

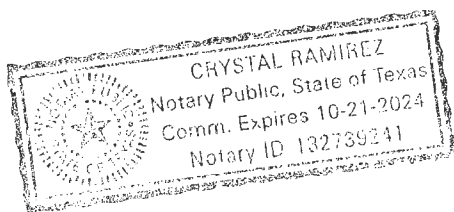
LTS 5-6 "B" BK 16 FAIRVIEW HEIGHTS 50X140 366 ACQ 092007 0.161
ACRES Big Spring, Howard County, Texas, also known as **1401 NOLAN**, Big
Spring, Texas.

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

SIGNED on the 19 day of July, 2023.

M. Garcia
AFFIANT

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



Crystal Ramirez
Notary Public, State of Texas

Exhibit D-4



2023. 6.21 10:20





2023. 6. 21 10:20





2023. 6. 21 10:18



2023. 6. 21 10:19



2023. 6. 21 10:19



2023. 6. 21 10:19

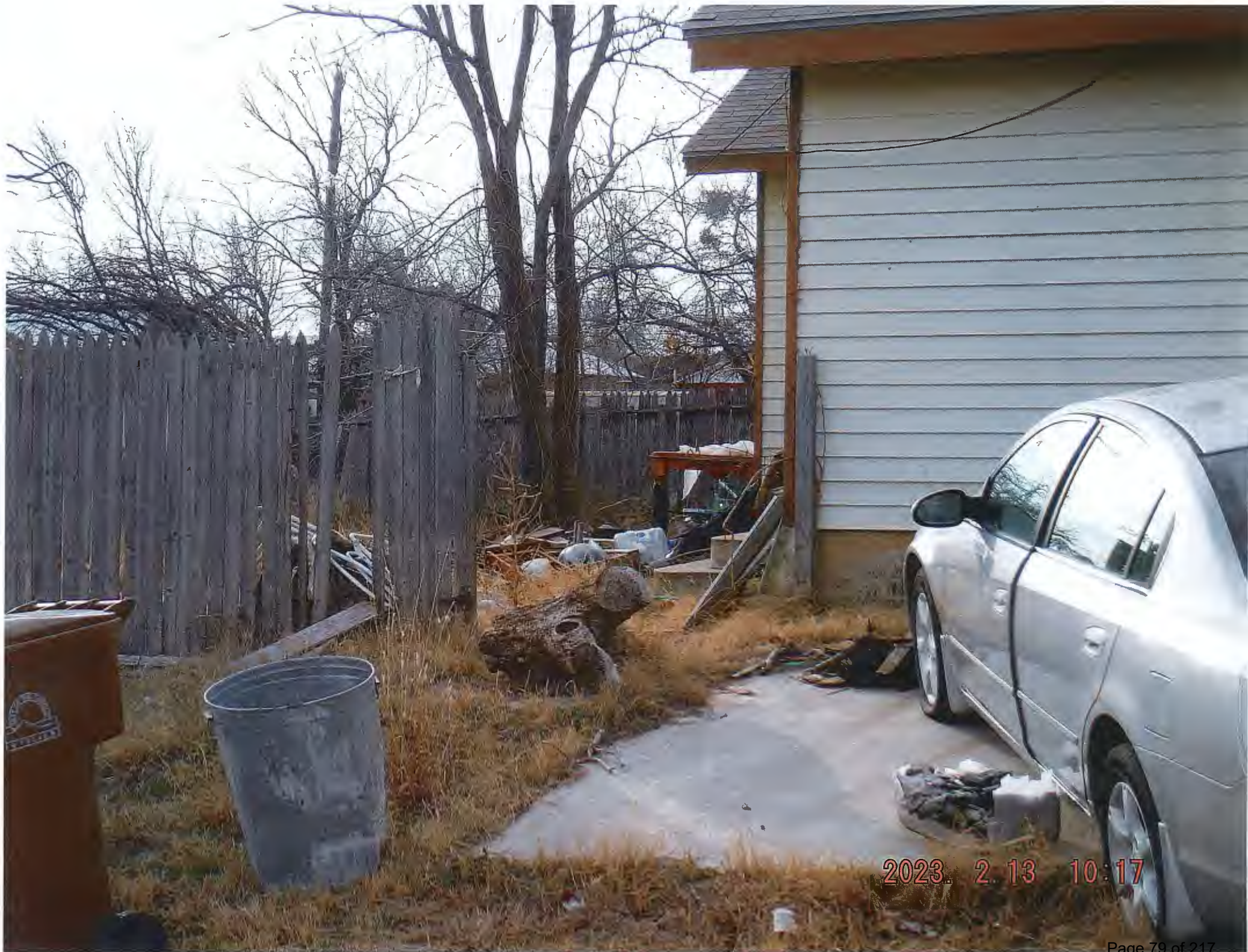


2023. 6. 21 10:19



2023. 6. 21 10:19





2023. 2. 13 10:17



2023. 6. 21 10:17





2023. 2. 13 10:16





2023. 2. 13 10:17



2023. 2. 13 10:18



2023. 2.13 10:19



2023. 2. 13 10:19

Exhibit D-5

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
NOTICE SENT BY MALISSA GARCIA**

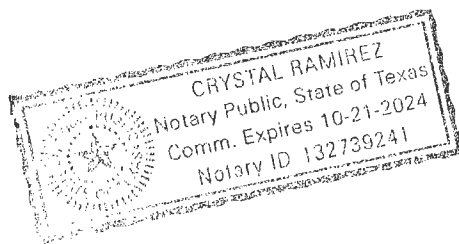
“The document in **Exhibit D-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

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

SIGNED on the 19 day of July, 2023.

M. Garcia
AFFIANT

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



Crystal Ramirez
Notary Public, State of Texas

Exhibit D-6



Code Compliance

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

NOTICE OF VIOLATION AND ORDER TO ABATE

1401 NOLAN ST
Lot: 5-6 B BK: 16 FAIRVIEW HEIGHTS PARCEL 366

March 23, 2023

Case No: 72501

LEONOR RIOS
1401 NOLAN ST
BIG SPRING TX 79720-4606

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

432-264-2508

Phone

Code Compliance

Department

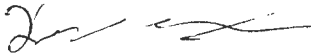
ksmith@mybigspring.com

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 black 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 ORDER TO ABATE

1401 NOLAN ST
Lot: 5-6 B BK: 16 FAIRVIEW HEIGHTS PARCEL 366

March 23, 2023

Case No: 72503

LEONOR RIOS
1401 NOLAN ST
BIG SPRING TX 79720-4606

Sent via: First Class US Mail

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

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

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

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

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

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

Sincerely,



Kaleb Smith
Code 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

1401 NOLAN ST
Lot: 5-6 B BK: 16 FAIRVIEW HEIGHTS PARCEL 366

March 23, 2023

Case No: 72502

LEONOR RIOS
1401 NOLAN ST
BIG SPRING TX 79720-4606

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 trimmings, tree trunk, scrap plastic, trash, and tons of accumulated items) that need to be removed from public view. If problem persists criminal charges will be filed.

Seven (7) days from date of mailing

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

Issued by

Kaleb Smith

Name

Code Compliance

Department

432-264-2508

Phone

ksmith@mybigspring.com

E-mail

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Kaleb Smith', with a stylized flourish at the end.

Kaleb Smith
Code Compliance Official
City of Big Spring, Texas



NOTICE OF VIOLATION AND ORDER TO ABATE

1401 NOLAN
Lot: 5-6 "B" BK: 16 FAIRVIEW HEIGHTS 366

March 23, 2023

Case No: 72504

LEONOR RIOS
1401 NOLAN ST
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..

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

Corrective Action Required	Deadline for Compliance
The accessory structure is unsanitary and unsafe. The building needs to be demolished and removed from the property.	Seven (7) days from date of mailing

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



NOTICE OF VIOLATION AND NOTICE OF HEARING

Sent via: Certified Mail; Return Receipt Requested

July 14, 2023

Leonor Rios
1401 Nolan St
Big Spring, Texas 79720

Re: 1401 NOLAN, BIG SPRING, TEXAS 79720
LEGAL DESCRIPTION: LTS 5-6 "B" BK 16 FAIRVIEW HEIGHTS 50X140 366
ACQ 092007 0.161 ACRES, HOWARD COUNTY

Big Spring Code Compliance has determined that at the following structure(s): Rear Structure, 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 has 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

Malissa Garcia

Name

Code Enforcement Officer

Title

+1 (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.

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, July 25, 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,



Malissa Garcia, Code Enforcement Officer
City of Big Spring, Texas

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 **JULY 25th, 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:

603 NW 5TH ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LESS S/131’ W/2 OF LT 17 BK 99 ORIGINAL TOWN 51X85 0183 0.1 ACRES AQU 11102014- OWNER: SANDRA J FIERRO MUNIZ

1601 HARDING, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 1 BK 1 AVION 52.5X150 441 BLK/TRACT 1 0.179 ACRES – OWNER: ROBERTO D PEREZ and VIRGINIA M. PEREZ

1206 NW 7TH ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LTS 5-6 2 BANKS 100X140 164 ACQ 07232012 0.322 ACRES – OWNER: SAMUEL CASTRO

1401 NOLAN, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LTS 5-6 “B” BK 16 FAIRVIEW HEIGHTS 50X140 366 ACQ 092007 0.161 ACRES – OWNER: LEONOR RIOS

504 E 16TH ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: E/12.5 OF LT 2 ALL LT 3 BK 13 COLE & STRAYHORN 2.5X140 803 BLK/TRACT 13 0.199 ACRES – OWNER: E. W. THOMAS and ANNIE BELLE THOMAS

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

1206 NW 7TH ST

Code Enforcement Officer: Jacob Leos

Exhibit C-1

STATE OF TEXAS

§

§

COUNTY OF HOWARD

§

**AFFIDAVIT OF JACOB LEOS
CONCERNING 1206 NW 7TH ST**

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

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

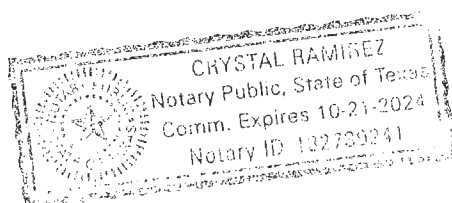
“I am a Code Enforcement Officer for the City of Big Spring, Texas. In the course of my duties, I inspect properties for compliance with Texas state law and the ordinances of the City of Big Spring. I am an employee of the City of Big Spring and am familiar with the manner in which its records are created and maintained by virtue of my duties and responsibilities. Attached are pages of records relating to the Code Compliance Case for **1206 NW 7TH 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.”

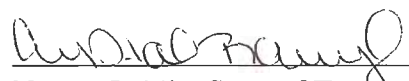
SIGNED on the 19 day of July, 2023.



AFFIANT

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





Notary Public, State of Texas

Exhibit C-2

Property Details

Account

Property ID:	276791	Geographic ID:	B2190001300
Type:	Real	Zoning:	
Property Use:		Condo:	

Location

Situs Address:	1206 NW 7TH		
Map ID:		Mapsco:	
Legal Description:	LTS 5-6 BK 2 BANKS 100X140 164 ACQ 07232012 0.322 ACRES		

Abstract/Subdivision:

Neighborhood:	NTPK NORTHPARK
---------------	----------------

Owner ?

Owner ID:	417637
Name:	CASTRO SAMUEL
Agent:	
Mailing Address:	2308 THORPE STREET BIG SPRING, TX 79720

% Ownership:	100.0%
--------------	--------

Exemptions:	For privacy reasons not all exemptions are shown online.
-------------	--

Property Values

Improvement Homesite Value:	\$3,051 (+)
Improvement Non-Homesite Value:	\$0 (+)
Land Homesite Value:	\$5,544 (+)
Land Non-Homesite Value:	\$0 (+)
Agricultural Market Valuation:	\$0 (+)
Market Value:	\$8,595 (=)

STATE OF TEXAS

§

§

COUNTY OF HOWARD

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CERTIFICATION
1206 NW 7TH ST 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.

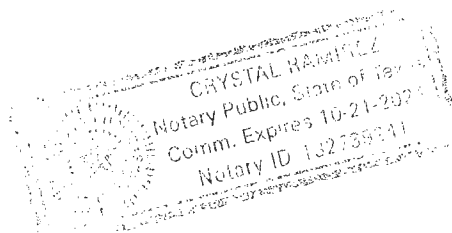
Making this record was a regular practice of that activity.

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 July, 2023.

AFFIANT

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



Crystal Hamrick
Notary Public, State of Texas

Exhibit C-3

NOTES

Incident Notes:

3/27/23 CODE OFFICER MARQUEZ INSPECTED AND TOOK PHOTOS. PROPERTY IN VIOLATION FOR SUBSTANDARD STRUCTURES. DOORS OPEN, LARGE SECTIONS OF ROOF MISSING OF MAIN STRUCTURE AND DAMAGE ON BUILDING. SECOND SMALLER STRUCTURE IS OPEN, DAMAGED AND HAS DETIORATION.

5/12/23 CODE OFFFICER LEOS REINSPECTED. BOTH STRUCTURES ON PROPERTY ARE STILL IN BAD SHAPE. THEY ARE UNSAFE AND PRESENT UNSANITORY CONDITIONS ESPECIALLY WITH THE ROOF MISSING. WILL FILE COMPLAINT TO LEGAL DEPT.

Task #: 115789 - INSPECT SUBSTANDARD - 5/16/2023

Task #: 115790 - SUBSTANDARD BLD - 5/16/2023

202

22

207

Exhibit C-4













STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
NOTICE SENT BY JACOB LEOS**

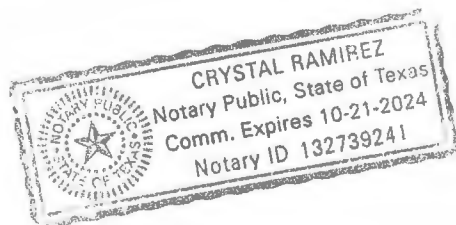
“The document in **Exhibit C-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

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

SIGNED on the 19th day of July, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of July, 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. 432-264-2504

NOTICE OF VIOLATION AND ORDER TO ABATE

1206 NW 7TH

LTS 5-6 BK 2 BANKS 100X140 164 ACQ 07232012 0.322 ACRES

May 16, 2023

Case No: 72898

BIG SPRING TX 79720-3720
SAMUEL CASTRO
2308 THORPE ST
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.
Property Maintenance Code Sec. 304. 1.1	Premises and exterior/interior property of structure not considered structurally sound, has extensive fire damage and is determined to be as unsafe, poses a threat to public health, safety and welfare

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 Enforcement Officer
City of Big Spring, Texas



NOTICE OF VIOLATION AND NOTICE OF HEARING

Sent via: Certified Mail; Return Receipt Requested

July 14, 2023

Samuel Castro
2308 Thorpe St.
Big Spring, Texas 79720

Re: 1206 NW 7TH ST, BIG SPRING, TEXAS 79720
LEGAL DESCRIPTION: LTS 5-6 BK 2 BANKS 100 X 140 164 ACQ 07232012
0.322 ACRES, HOWARD COUNTY

Big Spring Code Compliance has determined that at the following structure(s): Both 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

Jacob Leos

Name

Code Enforcement Officer

Title

+1 (432) 264-2502

Phone

jleos@mybigspring.com

E-mail

The City's goal is voluntary compliance.

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

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

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

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

Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

The City Council will serve as the Hearing Board for your case. The hearing is scheduled for **5:30 PM, July 25, 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,



Jacob Leos, Code Enforcement Officer
City of Big Spring, Texas

Exhibit C-8



7/13/2023 9:04



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 **JULY 25th, 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:

603 NW 5TH ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LESS S/131' W/2 OF LT 17 BK 99 ORIGINAL TOWN 51X85 0183 0.1 ACRES AQU 11102014- OWNER: SANDRA J FIERRO MUNIZ

1601 HARDING, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 1 BK 1 AVION 52.5X150 441 BLK/TRACT 1 0.179 ACRES – OWNER: ROBERTO D PEREZ and VIRGINIA M. PEREZ

1206 NW 7TH ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LTS 5-6 2 BANKS 100X140 164 ACQ 07232012 0.322 ACRES – OWNER: SAMUEL CASTRO

1401 NOLAN, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LTS 5-6 "B" BK 16 FAIRVIEW HEIGHTS 50X140 366 ACQ 092007 0.161 ACRES – OWNER: LEONOR RIOS

504 E 16TH ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: E/12.5 OF LT 2 ALL LT 3 BK 13 COLE & STRAYHORN 2.5X140 803 BLK/TRACT 13 0.199 ACRES – OWNER: E. W. THOMAS and ANNIE BELLE THOMAS

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

504 E 16TH ST

Code Compliance Official: Ashley Guerra

Exhibit E-1

STATE OF TEXAS

§

COUNTY OF HOWARD

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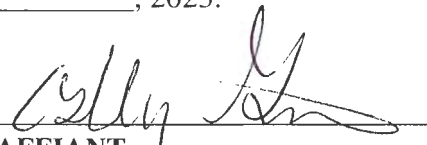
**AFFIDAVIT OF ASHLEY GUERRA
CONCERNING 504 E 16TH ST**

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

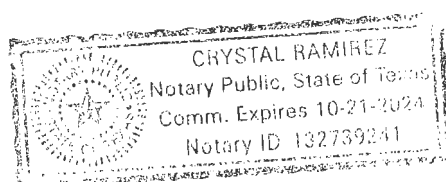
“My name is **Ashley Guerra**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

“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 **504 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 July, 2023.


AFFIANT

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




Notary Public, State of Texas

Property Details

Account

Property ID:	278933	Geographic ID:	B2880012800
Type:	Real	Zoning:	
Property Use:		Condo:	

Location

Situs Address:	504 E 16TH
Map ID:	Mapscot
Legal Description:	E/12.5 OF LT 2 ALL LT 3 BK 13 COLE & STRAYHORN 62.5X140 803 BLK/TRACT 13 0.199 ACRES

Abstract/Subdivision:

Neighborhood:	GOLD
---------------	------

Owner ⓘ

Owner ID:	283371
Name:	THOMAS E W ET UX

Agent:

Mailing Address:	504 E 16TH BIG SPRING , TX 79720
------------------	-------------------------------------

% Ownership:	100.0%
--------------	--------

Exemptions:	For privacy reasons not all exemptions are shown online.
-------------	--

Property Values

Improvement Homesite Value:	\$10,580 (+)
Improvement Non-Homesite Value:	\$12,850 (+)
Land Homesite Value:	\$5,425 (+)
Land Non-Homesite Value:	\$0 (+)
Agricultural Market Valuation:	\$0 (+)

Market Value: \$28,855 (=)

Agricultural Value Loss: \$0 (-)

Appraised Value: \$28,855 (=)

Homestead Cap Loss: \$0 (-)

Assessed Value: \$28,855

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: THOMAS E W ET UX **%Ownership:** 100.0%

Entity	Description	Tax Rate	Market Value	Taxable Value	Estimated Tax	Freeze Ceiling
01H	HOWARD COUNTY	0.238916	\$28,855	\$28,855	\$68.94	
02B	CITY OF BIG SPRING	0.673163	\$28,855	\$28,855	\$194.24	
03B	BIG SPRING ISD	0.930900	\$28,855	\$28,855	\$268.61	
052	HOWARD COLLEGE	0.168395	\$28,855	\$28,855	\$48.59	

Total Tax Rate: 2.011374

Estimated Taxes With Exemptions: \$580.38

Estimated Taxes Without Exemptions: \$580.38

Exhibit E-2

STATE OF TEXAS

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COUNTY OF HOWARD

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CERTIFICATION
504 E 16TH ST CASE NOTES

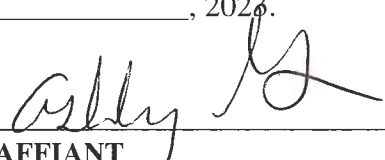
“This record, attached as **Exhibit E-3**, was made at or near the time by – or from information transmitted by a person or persons with the City with knowledge.

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.

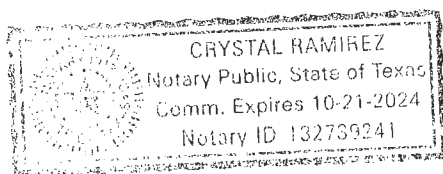
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout 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 19 day of July, 2023.



AFFIANT

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





Notary Public, State of Texas

Exhibit E-3

NOTES

Incident Notes:

Task #: 116327 - INSPECT SUBSTANDARD - 6/21/2023

ON 5-22-23 WENT TO A PROPERTY ON A COMPLAINT ON ARRIVAL NOTICED ROOF IS NOT IN GOOD CONDITION ON THE MAIN STRUCTURE

THERE IS A BACK HOUSE THAT IS SUB STANDARD AND IS DANGROUS TO CHILDREN IN THE NABORHOOD GRASS IS OVER GROWN AND ACUMULATON EVERY WHERE INCLUDING A POP UP RV

THE OWNER IS THOMS E W ET UX

SENT OUT NOTICE OF VIOLATION ON 5-22-23

WENT BACK OUT FOR REINSPECTION ON 6-21-23

AND NO PROGRESS HAS BEEN MADE

SENT TO LEGAL ON 6-21-23 SO THEY CAN SEND OUT A NOTICE OF VIOLATION ON SUB STANDARD STRUCTURE IN THE BACK YARD

THERE HAS BEEN NO CONTACT ON THIS PROPERTY

Task #: 116328 - SUBSTANDARD BLD - 6/21/2023

STATE OF TEXAS

§

COUNTY OF HOWARD

§

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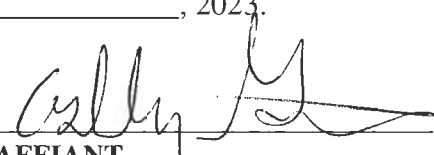
**CERTIFICATION OF
PHOTOGRAPHS BY ASHLEY GUERRA**

“With regard to the photographs in **Exhibits E-4** I am familiar with and recognize the scene depicted in the photographs. On May 22nd, 2023 and June 21st, 2023, I inspected the property described as:

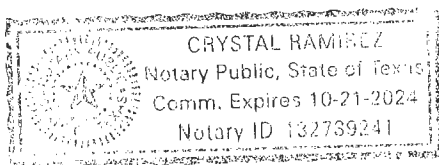
E/12.5 OF LT 2 ALL LT 3 BK 13 COLE & STRAYHORN 62.5X140 803
BLK/TRACT 13 0.199 ACRES Big Spring, Howard County, Texas, also known
as **504 E 16TH ST**, Big Spring, Texas.

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

SIGNED on the 19 day of July, 2023.


AFFIANT

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



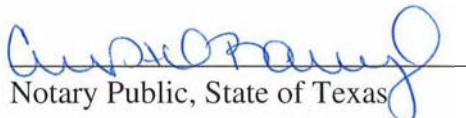

Notary Public, State of Texas

Exhibit E-4



5/22/2023 8:53



5/22/2023 8:52







5/22/2023 8:54





6/21/2023 13:32



6/21/2023 13:32







6/21/2023 13:34



6/21/2023 13:33



6/21/2023 13:33



6/21/2023 13:33



6/21/2023 13:33



Exhibit E-5

STATE OF TEXAS

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§

COUNTY OF HOWARD

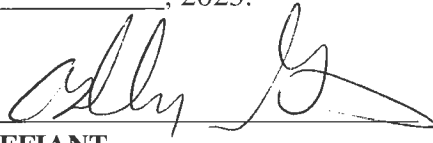
§

**CERTIFICATION
NOTICE SENT BY ASHLEY GUERRA**

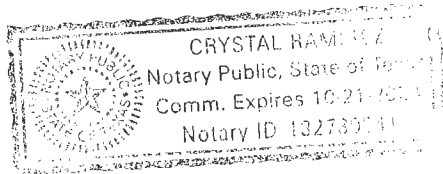
“The document in **Exhibit E-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

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

SIGNED on the 19 day of July, 2023.


AFFIANT

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



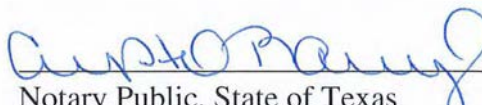

Notary Public, State of Texas

Exhibit E-6



Code Compliance

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

NOTICE OF VIOLATION AND ORDER TO ABATE

504 E 16TH ST
Lot: 2 BK:13 COLE

May 22, 2023

Case No: 72966

THOMAS E W ET UX
504 E 16TH ST
BIG SPRING TX 79720-5621

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.

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

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

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

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

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

Sincerely,



Code Official
City of Big Spring, Texas



Code Compliance

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

NOTICE OF VIOLATION AND ORDER TO ABATE

504 E 16TH ST
Lot:2 BK: 13 COLE

May 22, 2023

Case No: 72965

THOMAS E W ET UX
504 E 16TH ST
BIG SPRING TX 79720-5621

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 (TRASH, TIRES OLD CAMPER TIRES OLD FRUNITURE) 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

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

Sincerely,

A handwritten signature in black ink, appearing to be 'M. L. G.', written in a cursive style.

Code Compliance
City of Big Spring, Texas



Code Compliance

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

NOTICE OF VIOLATION AND ORDER TO ABATE

504 E 16TH ST
Lot: 2 BK: 13 COLE

May 22, 2023

Case No: 72964

THOMAS E W ET UX
504 E 16TH ST
BIG SPRING TX 79720-5621

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. (HIGH GRASS IN FRONT AND BACK YARD)	

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

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
City of Big Spring, Texas



NOTICE OF VIOLATION AND NOTICE OF HEARING

Sent via: Certified Mail; Return Receipt Requested

July 14, 2023

E.W Thomas and Annie Belle Thomas
504 E 16TH ST
Big Spring, Texas 79720

Re: 504 E 16TH ST, BIG SPRING, TEXAS 79720
LEGAL DESCRIPTION: E/12.5 OF LT 2 ALL LT 3 BK 13 COLE &
STRAYHORN 62.5X140 803 BLK/TRACT 13 0.199 ACRES, HOWARD COUNTY

Big Spring Code Compliance has determined that at the following structure(s): main structure, Rear Structure, 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: 6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy. 7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.	The building is clearly unsafe for use or occupancy. It is neglected and dilapidated and unsecured and abandoned and an attractive nuisance to children.
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	The roof appears to admit rain and has signs of deterioration. Unsafe condition.

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

The rear structure.

Repair the roof, front structure.

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

Issued by

Ashley Guerra

Name

Code Compliance Official

Title

+1 (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.

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, July 25, 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.

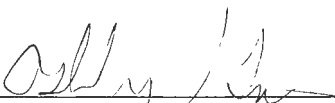
NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, 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,



Ashley Guerra, Code Compliance Official
City of Big Spring, Texas

Exhibit E-8



7/17/2023 8:22



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 **JULY 25th, 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:

603 NW 5TH ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LESS S/131' W/2 OF LT 17 BK 99 ORIGINAL TOWN 51X85 0183 0.1 ACRES AQU 11102014- OWNER: SANDRA J FIERRO MUNIZ

1601 HARDING, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 1 BK 1 AVION 52.5X150 441 BLK/TRACT 1 0.179 ACRES – OWNER: ROBERTO D PEREZ and VIRGINIA M. PEREZ

1206 NW 7TH ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LTS 5-6 2 BANKS 100X140 164 ACQ 07232012 0.322 ACRES – OWNER: SAMUEL CASTRO

1401 NOLAN, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LTS 5-6 "B" BK 16 FAIRVIEW HEIGHTS 50X140 366 ACQ 092007 0.161 ACRES – OWNER: LEONOR RIOS

504 E 16TH ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: E/12.5 OF LT 2 ALL LT 3 BK 13 COLE & STRAYHORN 2.5X140 803 BLK/TRACT 13 0.199 ACRES – OWNER: E. W. THOMAS and ANNIE BELLE THOMAS

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

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, July 11, 2023, with the following members present in person:

COUNCIL MEMBER GLORIA MCDONALD
COUNCIL MEMBER TROY TOMPKINS
MAYOR PRO TEM NICK ORNELAS
COUNCIL MEMBER MAURY SMITH
COUNCIL MEMBER CODY HUGHES
MAYOR ROBERT MOORE

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
JOSE CAZARES	Deputy Chief
MIKE FEELEY	Airpark Director
SANDY SMITH	Finance 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

Former Council Member Terry McDaniel 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 State Flag and to the Texas State Flag.

Public Comment

Public Comment

There were no public comments made at this time.

Public Hearings regarding an annexation of property and abatements of public nuisances

MOTION WAS MADE BY Council Member Hughes to open the below listed public hearings, seconded by Council Member Smith.

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

NAYS: None

MOTION PASSED

Each public hearing listed below regarding the abatements was presented to the Council with an abatement order and pictures. The following citizens spoke regarding their property;

Casey W. Pledger - 902 E. 14th Street

Douglas Carson & Zak Kelter - 2712 Lynn Street

Announcements, Presentations and Public Hearings

PUBLIC HEARING - To Consider Annexation of Property Located in LT 1, BK 1, Mid Tex Cornell Corrections Prison Located at 1801 West I-20, 025 026 027 028.01 BLK/TRACT 1 11.06 ACRES, BIG SPRING, HOWARD COUNTY, TEXAS

No comments were made regarding the above captioned public hearing on an annexation of the above listed property.

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 609 N GOLIAD ST, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: SE/4 OF SC 42 BK 32 1N TR 31 WILLIAM B CURRIE 65X130 625 0.194 ACRES - OWNER: ESTATE OF JUAN AND AGNES MORELION

MOTION WAS MADE BY Mayor Moore to abate the above captioned property (609 N Goliad St.), seconded by Mayor Pro Tem Ornelas.

**YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Hughes, 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 1513 E 17TH ST, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: E/50 OF LT 20 BK 4 MAY THIXTON 50X150 924 ACQ 021700 BLK/TRACT 4 0.172 ACRES- OWNER: CHRISTINE BAKER

MOTION WAS MADE BY Council Member McDonald to abate the above captioned property (1513 E. 17th St.), seconded by Council Member Smith.

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

NAYS: None

MOTION PASSED

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 902 E 14TH ST, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: LT 2 BK 36 COLE & STRAYHORN 50X140 509 BLK/TRACT 36 0.161 ACRES ACQ 03202017- OWNER: DIONNE PLEDGER AND CASEY W. PLEDGER

MOTION WAS MADE BY Council Member McDonald for a 60 day abatement order, seconded by Mayor Pro Tem Ornelas.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Hughes, Council Member McDonald, Council Member Tompkins 5
1

NAYS: Council Member Smith

MOTION PASSED

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 2712 LYNN ST, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: LT 13 BK 10 KENTWOOD 71X130 276 0.206 ACRES ACQ 05142021- OWNER: DOUGLAS CARSON, JEFFREY CARSON, KELLY RALSTON AND JAMES CARSON.

MOTION WAS MADE BY Council Member Tompkins to remove this item from the agenda, seconded by Mayor Pro Tem Ornelas.

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

NAYS: None

MOTION PASSED

MOTION WAS MADE BY Council Member Hughes to close the above captioned public hearings, seconded by Council Member Troy Tompkins.

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

NAYS:0

MOTION PASSED

City Manager's Report

City Manager's report on the following items:

- Large Item Pickup, District 1-July 19, 2023
- E-Waste Recycling Day-July 15, 2023
- TML Region IV Meeting-Friday, July 21, 2023
- City Employee's & Family Night at the Aquatic Center July 24th-5-8
- Update on DRCC Fire
- Update on I-20 Property Clean Up
- Update on the Splash Pad

Todd Darden, City Manager, gave a brief update on the above captioned items.

Consent Items

Approval of the City Council Minutes of the Regular Meeting of June 27, 2023.

Final 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

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

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

NAYS: None

MOTION PASSED

Vouchers

Vouchers for 06/29/23 \$ 1,026,790.01

Drafts \$ 593,239.68

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 McDonald.

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

NAYS: None

MOTION PASSED

Vouchers for 07/06/23 \$ 352,207.78

Mayor Pro Tem Ornelas did not have a chance to review the above captioned vouchers. The vouchers for 07/06/2023 will be reviewed and considered at the next City Council meeting.

New Business

Recognition and Presentation of a Letter of Commendation/Police Life Saving Achievement Award to Corporal Ronald Warembourg

Police Chief, Chad Williams and City Manager, Todd Darden recognized and presented a Letter of Commendation/Police Life Saving Achievement Award for saving a two year old child's life to Corporal Ronald Warembourg with the Big Spring Police Department.

Acknowledge Receipt of the Quarterly Claims and Litigation Report from the City Attorney

City Council Members acknowledged receipt of the above captioned report.

First Reading of an Ordinance Addressing Safety, Efficiency, Coverage, and Budgetary Concerns for the Fire Department, Establishing Classifications and Number of Positions for the Fire Department Pursuant to Section 143.021, Texas Local Government Code; Decreasing the Number of Sworn Fire Department Personnel by Ten (10) from Seventy-Four (74) to Sixty-Four (64) Through Attrition with No Current Positions Being Eliminated; Improving Safety, Efficiency, and Coverage by Consolidating from Five to Four Fire Stations; Providing for Repeal of Conflicting Ordinances; Providing a Severability Clause; Finding and Determining that the Meetings at Which the Ordinance were Discussed were Open to the Public as Required by Law; and Providing for an Effective Date

MOTION WAS MADE BY Mayor Moore to approve the above captioned

ordinance, seconded by Council Member McDonald.

YEAS: None

0

NAYS: None

0

MOTION

After a brief discussion and several comments from citizens, **MOTION WAS MADE BY Council Member Hughes to amend the above captioned ordinance by removing Section 3 of the ordinance regarding the closing of Station 2, seconded by Mayor Pro Tem Nick Ornelas.**

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Hughes, 6

Council Member McDonald, Council Member Tompkins, Council Member 0

Smith

NAYS:0

MOTION PASSED

FINAL MOTION WAS MADE BY Mayor Moore to approve the amended ordinance as stated above, seconded by Council Member McDonald.

YEAS: Mayor Moore, Council Member Hughes, Council Member McDonald, 4

Council Member Smith 2

NAYS: Mayor Pro Tem Ornelas, Council Member Tompkins

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 Continued Funding of the Fire Department Employees that were Funded Through the Safer Grant; Providing for Severability; Providing for Publicaiton; and Providing an Effective Date

MOTION WAS MADE BY Council Member Hughes to approve the above captioned ordinance, seconded by Mayor Moore.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Hughes, 6

Council Member McDonald, Council Member Tompkins, Council Member 0

Smith

NAYS: None

MOTION PASSED

First Reading of a Resolution Supporting the Planning and Construction of the Future Interstate Highway 27 in Texas; Providing for Severability; and Providing an Effective Date

MOTION WAS MADE BY Council Member McDonald to approve the above captioned resolution, seconded by Council Member Smith.

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

MOTION PASSED

First Reading of a Resolution Renewing the Infill Development Incentive Program Designed to Facilitate Private Investment Toward the Construction of Single-Family Housing Within the City Limits of Big Spring and Therefore Encourage Economic Development that Benefits the Health, Safety, and Welfare of the Big Spring Community; Finding and Determining that the Meeting at Which the Resolution were Discussed were Open to the Public as Required by Law; Providing for Repeal of Conflicting Resolutions; and Providing an Effective Date

MOTION WAS MADE BY Council Member Smith to approve the above captioned resolution, seconded by Mayor Pro Tem Ornelas.

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

MOTION PASSED

First Reading of a Resolution Authorizing the City Manager to Initiate Annexation of Property Owned by the City of Big Spring to be Annexed into the City Limits; Said Property Being Described as Approximately 11.06 Acres in Lt 1, Block 1, Mid Tex Cornell Corrections Prison, Also Known as 1801 West I-20, in Big Spring, Howard County, Texas, Adjacent to the City of Big Spring, Texas City Limits and Approving a Service Plan Agreement for Such Area; and Providing an Effective Date

MOTION WAS MADE BY Council Member Hughes to approve the above captioned resolution, seconded by Mayor Moore.

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

MOTION PASSED

Consideration and Possible Action on a Safekeeping Account Agreement with US Bank and Authorizing the City Manager or His Designee to Execute any Necessary Documents

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

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

MOTION PASSED

Consideration and Possible Action on an Administrative Services Agreement with South Plains Association of Governments (SPAG) and Authorizing the Mayor to Execute any Necessary Documents

MOTION WAS MADE BY Council Member Hughes to approve the above captioned agreement, seconded by Council Member McDonald.

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

NAYS: None

MOTION PASSED

Consideration and Possible Action on an Agreement for Engineering Services with Jacob Martin, LLC for SCADA System Improvements and Authorizing the City Manager or His Designee to Execute any Necessary Documents

Consideration and Possible Action on an Agreement for Engineering Services with Jacob Martin, LLC for the 2023 Tank Cleaning and Rehabilitation and Authorizing the City Manager or His Designee to Execute any Necessary Documents

Consideration and Possible Action on an Agreement with Jacob Martin, LLC for the Airpark Water & Sewer Improvements and Authorizing the City Manager or His Designee to Execute any Necessary Documents

MOTION WAS MADE BY Mayor Moore to approve the above captioned 3 agreements, seconded by Council Member Hughes.

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

NAYS: None

MOTION PASSED

Consideration and Possible Action for a Change Order Regarding the 2022-23 Seal Coating Project for Adding 5th Street from Birdwell Street to Circle Street and Adding Street Striping for a Total Additional Amount of \$94,699.00 and Authorizing the City Manager or His Designee to Execute any Necessary Documents

MOTION WAS MADE BY Council Member Hughes to approve the above captioned change order, seconded by Council Member Tompkins.

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

NAYS: None

MOTION PASSED

Council Input

Input

Mayor Pro Tem said he was getting a lot of calls regarding illegal dumping in the base housing addition and also thanked city staff

Council Member Tompkins thanked Airpark Director, Mike Feely for hosting the rotary clubs at the Air Terminal; Reported getting many complaints from business owners on the 100 Blk of Main St. due to the road construction; Would like to look at the delinquent property taxes; He has heard a lot of input regarding the fire dept. and is not in favor of raising taxes and maybe work with the fire dept on a solution; and appreciates staffs work on the fire issue

Council Member Smith thanked staff and council members for the time put into the department fire issues

Adjourn

Mayor Moore adjourned the City Council meeting at 7:47 p.m.

Robert H. Moore III, Mayor

ATTEST:

Tami L. Davis, City Secretary



Memorandum

Date: 07/11/2023

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 July, 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, amendments to such budget occurred with Ordinances 030-2023 and 036-2023, and this budget amendment will continue the funding through July 31, 2023; and

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 July 31, 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. Ordinances 030-2023 and 036-2023 remain in full effect and each are accumulative with this Ordinance.

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 **11th** day of **July, 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 **25th** day of **July, 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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, HOWARD COUNTY, TEXAS SUPPORTING THE PLANNING AND CONSTRUCTION OF THE FUTURE INTERSTATE HIGHWAY 27 IN TEXAS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Congress designated the Ports-to-Plains Corridor in Texas as a High Priority Corridor on the National Highway System;

WHEREAS, Congress designated the Ports-to-Plains Corridor in Texas and New Mexico as a Future Interstate Highway;

WHEREAS, the Ports-to-Plains Corridor Interstate Feasibility Study (the “Study”) provided an estimate of the economic impact of the Future Interstate Highway in Texas that includes \$55.6 billion in increased GDP in Texas, a 76% Return on Investment, and a Cost/Benefit Ratio of 2.4;

WHEREAS, inclusion in the Unified Transportation Plan (UTP) is important to the planning and construction of the future interstate highway because the UTP includes all transportation projects that TxDOT is developing for construction over the next 10 years;

WHEREAS, a portion of the Planning Authority required for an interstate highway is available prior to inclusion in the UTP;

WHEREAS, within the UTP funding is available for Development Authority including Initial Design, Right-of-Way, and Environmental; and

WHEREAS, Federal funding through discretionary grants and appropriations requests will accelerate the development and construction of the Interstate Highway.

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

SECTION I. That the City of Big Spring urges TxDOT to invest in the development and construction of Future Interstate Highway 27 through pre-UTP Planning Authority, Development Authority within the UTP; and Letting Authority within the UTP.

SECTION 2. We urge the Federal Congressional Delegation and TxDOT to invest in the development and construction of Future Interstate Highway 27.

SECTION 3. This resolution to be in full force and effect from and after its passage and approval.

SECTION 4. If any portion or provision of this resolution shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such portion or provision shall not affect any of the remaining provisions of this Resolution, the intention being that the same are severable.

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

PASSED AND APPROVED on the second and final reading at a regular meeting of the City Council on the **25th** day of **July, 2023**, with all members of the Council present voting “aye” for the passage of the same.

Robert H. Moore III, Mayor

ATTEST:

Tami L. Davis, City Secretary

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, RENEWING THE INFILL DEVELOPMENT INCENTIVE PROGRAM DESIGNED TO FACILITATE PRIVATE INVESTMENT TOWARD THE CONSTRUCTION OF SINGLE-FAMILY HOUSING WITHIN THE CITY LIMITS OF BIG SPRING AND THEREFORE ENCOURAGE ECONOMIC DEVELOPMENT THAT BENEFITS THE HEALTH, SAFETY, AND WELFARE OF THE BIG SPRING COMMUNITY; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH THE RESOLUTION WERE DISCUSSED WERE OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Big Spring (the "City") desires to encourage the investment of private resources in productive business enterprises and single and multi-family housing units in historic and economically distressed areas of the City; and

WHEREAS, the City desires to increase economic development within the City; and

WHEREAS, economic development is an important and urgent public purpose; and

WHEREAS, the City's home ownership rate is lower than the national average and lower than the Texas average; and

WHEREAS, single-family homes are essential to economic development in the City; and

WHEREAS, it is necessary and in the best interest of the City to offer certain economic development incentives to promote and encourage new private business development, and the new construction of affordable and market rate housing options for the City's historic and economically distressed areas;

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

SECTION 1. City Council hereby renews the Big Spring Infill Development Incentive Program, to facilitate private investment toward the construction of single-family housing in Big Spring and therefore encouraging economic development that benefits the health, safety and welfare of the Big Spring community, pursuant to Local Government Code Chapter 380.

SECTION 2. The City Council, as the governing body of the City of Big Spring, Texas finds that the creation of the Program serves a public purpose by encouraging development that benefits the health, safety and welfare of the citizens of Big Spring.

SECTION 3. This infill incentive program from Resolution 012-2020 is modified and renewed according to the terms of this Resolution. The renewed program is recognized to have begun July 14, 2020 and shall expire on July 31, 2026 (“the program period”).

SECTION 4. The City Council as the governing body of the City of Big Spring, Texas does hereby create and establish the following economic development incentive program within zones in which single-family homes may be established and authorizes the City Manager or his or her designee to form agreements, as specified herein, offering the following enumerated incentive program without further Council action.

To participate in the program, a building project must meet the following requirements:

- A. The project shall be a new building project or a renovation building project;
- B. The building project shall be within the city limits of Big Spring;
- C. The building project is to occur within a single parcel;
- D. The building project includes a “single family dwelling” as defined by the Big Spring Zoning Ordinance;
- E. The building project shall meet all Big Spring Zoning and Building Code requirements;
- F. All contractor and subcontractor permits for the project must be purchased during the program period;
- G. Demolition permit and Water and Sewer Tap Permits are included in the program if the permit are part of a project as specified herein; and
- H. The General Contractor of a building project qualified to participate in the Incentive Program shall sign a Program Agreement, and the City Manager, or his or her designee, shall countersign; and
- I. Accessory Buildings (other than a detached garage) are excluded from the program.

SECTION 5. The program offers the following incentives. For such construction, the developer will be offered a discount rate and a rebate rate.

A. Definitions:

- 1. The discount rate is the percentage of the regular permit fees that the contractor will be charged. The discount rate does apply to the 90-day renewal permit fee for the program.
- 2. The rebate rate is the percentage of the fees the contractor did pay for this specific project. The rebate rate does apply to the 90-day renewal permit fee for the program.

3. The builder or contractor is the person or organization primarily responsible for the project, such as the general contractor.

B. Discount rate and rebate rate are as follows:

1. For a home that is 1500 square feet or less gross living area ("GLA"), the discount rate is 25%. The rebate rate is 100%.
2. For a home that is 1500.01 square feet to 2500 square feet GLA, the discount rate is 50%. The rebate rate is 75%.
3. For a home that is 2500.01 square feet to 3500 square feet GLA, the discount rate is 75%. The rebate rate is 50%.
4. For a home that is 3500.01 square feet or more GLA, no discount rate or rebate rate is offered.

SECTION 6. The Building Official shall confirm that the final inspections for the project completed within 180 days of the first permit issued for the project, with allowance for a renewal of each permit for an additional 90 days at the discount rate. The City shall issue payment in the amount of the rebate rate to the builder upon submission of a rebate request by the builder.

SECTION 7. A project shall still qualify for the rebate if the project is completed within the specified number of days, and the completion falls no more than 90 days outside the program period.

SECTION 8. Exception: If the Building Official determines that work associated with a program project has not proceeded according to the requirements of the City Zoning and/or Building Codes, and the Building Official files a complaint with Municipal Court regarding the violation of the codes, the Building Official shall immediately forward a copy of such complaint to the City Manager. The City Manager shall examine the evidence and have the authority to revoke the Contractor from the program for the affected project, for more than the affected project, for all projects, or to not revoke the Contractor's project or projects. Such determination shall be at the City Manager's discretion pursuant to his determination that the action is in the best interest of the City of Big Spring, with the Mayor having the authority to decide an appeal of the City Manager's decision if filed within 10 days of it. The Municipal Court's adjudication of the Building Official's complaint shall not be disturbed thereby.

SECTION 9. All provisions of any resolution in conflict with this Resolution are hereby superseded or repealed to the extent they are in conflict.

SECTION 10. It is hereby officially found and determined that the meetings at which this Resolution was adopted were open to the public and that public notice of the time, place and purpose of said meetings were given as required by law.

SECTION 11. This Resolution shall be effective immediately upon its passage.

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

PASSED AND APPROVED on second and final reading during a regular meeting of the City Council on this **25th** day of **July, 2023** with all members voting “aye” for passage of the same.

Robert H. Moore, III, Mayor

ATTEST:

Tami L. Davis, City Secretary

Exhibit A: Timeline

July 15, 2020 – Program period begins.

July 31, 2026 – Program period ends.

January 27, 2027 -- The 180th day after July 31, 2026. Permits taken out on January July 31, 2026 under the program must be completed by this date to qualify for the rebate, unless a 90-day renewal permit was issued prior to the expiration of the original permit.

May 1, 2027 – The 90th day after January 27, 2027. Renewals of 90 days for permits originally taken out on January 27, 2027 under the program end on this day. To qualify for the rebate, such projects must be complete on this day or earlier.



INFILL PROGRAM APPLICATION

Full Legal Name of General Contractor: _____

Address: _____

Mailing address (if different): _____

Phone number: _____

Project address: _____

Square feet of single-family home for project: _____

I hereby apply for the Big Spring Infill Program for this project. I request the discount rate, and upon completion as confirmed by the Building Official, the rebate. I have been given a copy of the Program requirements. I agree to abide by all the program requirements, including those of Infill Program Exhibit, attached.

Signature of Legal Signing Authority for Builder _____

Print name: _____

Date: _____

Signature of City Official signing agreement: _____

Print Name: _____

Title: _____

Date: _____

Infill Program Exhibit

1. Undocumented Workers Provision. Developer certifies that Developer does not and will not knowingly employ an undocumented worker in accordance with Chapter 2264 of the Texas Government Code, as amended. If during the Term of this Agreement, Developer is convicted of a violation under 8 U.S.C. § 1324a(f), Developer shall repay the amount of any public subsidy provided under this Agreement to Developer plus six percent (6.0%), not later than the 120th day after the date the City notifies Developer of the violation.

2. Non-Boycott of Israel Provision. In accordance with Chapter 2270 of the Texas Government Code, a Texas governmental entity may not enter into an agreement with a business entity for the provision of goods or services unless the agreement contains a written verification from the business entity that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the agreement. Chapter 2270 of the Texas Government Code does not apply to a (1) a company that is a sole proprietorship; (2) a company that has fewer than ten (10) full-time employees; or (3) the contract has a value of less than One Hundred Thousand Dollars (\$100,000.00). Unless Developer is not subject to Chapter 2270 of the Texas Government Code for the reasons stated herein, the signatory executing this Agreement on behalf of Developer verifies that Developer does not boycott Israel and will not boycott Israel during the Term of this Agreement.

3. Prohibition on Contracts with Certain Companies Provision. In accordance with Section 2252.152 of the Texas Government Code, the Parties covenant and agree that Developer is not on a list maintained by the State Comptroller's office prepared and maintained pursuant to Section 2252.153 of the Texas Government Code.

4. Verification Against Discrimination of Firearm or Ammunition Industries. Pursuant to Texas Government Code Chapter 2274, (as added by Texas Senate Bill 19, 87th Tex. Reg. Session (2021) (effective September 1, 2021)) unless otherwise exempt, if the Developer employs at least ten (10) full-time employees and this Agreement has a value of at least \$100,000 that is paid wholly or partly from public funds of the City, the Developer represents that: (1) the Developer does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and (2) the Developer will not discriminate during the Term of the Agreement against a firearm entity or firearm trade association.

5. Verification Against Discrimination Developer Does Not Boycott Energy Companies. Pursuant to Texas Government Code Chapter 2274, (as added by Texas Senate Bill 13, 87th Tex. Reg. Session (2021) (effective September 1, 2021)) unless otherwise exempt, if the Developer employs at least ten (10) full-time employees and this Agreement has a value of at least \$100,000 that is paid wholly or partly from public funds of the City, the Developer represents that: (1) the Developer does not boycott energy companies; and (2) the Developer will not boycott energy companies during the Term of this Agreement.

6. 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: Title 5, Texas Civil Practice and Remedies Code; Subchapter I, Chapter 271, Texas Local Government Code; and any other law, if applicable.

(b) Nothing in this Agreement 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 Agreement 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.

7. Independent contractors.

It is expressly understood and agreed by all Parties hereto that in performing their services hereunder, Developer at no time will be acting as agents of the City and that all consultants or contractors engaged by Developer respectively will be independent contractors of the Developer; and nothing contained in this Agreement is intended by the Parties to create a partnership or joint venture between the Parties and any implication to the contrary is hereby expressly disavowed. The Parties hereto understand and agree that City will not be liable for any claims that may be asserted by any third party occurring in connection with services performed by each Developer respectively under this Agreement, unless any such claims are due to the fault of the City.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS AUTHORIZING THE CITY MANAGER TO INITIATE ANNEXATION OF PROPERTY OWNED BY THE CITY OF BIG SPRING TO BE ANNEXED INTO THE CITY LIMITS; SAID PROPERTY BEING DESCRIBED AS APPROXIMATELY 11.06 ACRES IN LT 1, BLOCK 1, MID TEX CORNELL CORRECTIONS PRISON, ALSO KNOWN AS 1801 WEST I-20, IN BIG SPRING, HOWARD COUNTY, TEXAS, ADJACENT TO THE CITY OF BIG SPRING, TEXAS CITY LIMITS AND APPROVING A SERVICE PLAN AGREEMENT FOR SUCH AREA; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Big Spring owns property that is contiguous to the City of Big Spring, Texas, and wishes to annex said property into the City limits pursuant to the state law provisions for voluntary annexation; and

WHEREAS, Texas Local Government Code section 43.0671 authorizes the City of Big Spring, Texas to annex on petition of the area's landowners; and

WHEREAS, in accordance with state law, this Resolution shall serve as the petition of the City of Big Spring for annexation as filed with the City of Big Spring, Texas; and

WHEREAS, the City Council of the City of Big Spring, Texas, hereby finds that this petition and plat attached as Exhibit 1 is properly filed pursuant to Texas Local Government Code Section 43.0671; and

WHEREAS, a written agreement regarding services as required by Texas Local Government Code Section 43.0672 is attached hereto as Exhibit 2.

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

SECTION 1. The City Council accepts the petition for voluntary annexation of approximately 11.06 of land acres in LT 1, Block 1, Mid Tex Cornell Correction Prison, also known as 1801 West I-20 in Big Spring Howard County, Texas, and depicted on the plat attached hereto as Exhibit 1.

SECTION 2. The City Council approves the written statement regarding services to be provided upon annexation, for the property described in Exhibit A.

SECTION 3. The City Council authorizes and directs the City Manager or designee to publish notice in the Big Spring Herald, a newspaper having general circulation in the City of Big Spring, Texas and within the territory to be annexed, about a public hearing to be held on August 8, 2023 to give all interested persons the right to appear and be heard on the proposed annexation of such land.

SECTION 4. The City Council directs that that said publication be on or after the 20th day but before the 10th day before the date of the public hearing, and the same notice published shall be posted on the City’s website for the same corresponding time frame.

SECTION 5. This Resolution shall take effect immediately after passage in accordance with the provisions of the Charter of the City of Big Spring, and it is accordingly so ordained.

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

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the **25th** 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

Exhibit A
[attach petition for voluntary annexation]

Exhibit B
[attach service agreement]

MUNICIPAL SERVICES STATEMENT

FOR ANNEXATION OF 1801 WEST I-20

This Statement is made in by the City Council of the City of Big Spring, Texas, as owner of the property described and set forth in Exhibit A attached.

The following recitals are true and correct and form the basis upon which this Statement:

WHEREAS, Section 43.0671 of the LGC permits the City to annex an area if all Owners of land in an area requests the annexation;

WHEREAS, where the City elects to annex such an area, the City is required to enter into a written agreement with the property Owner(s) that sets forth the City services to be provided for the Property on or after the effective date of annexation;

WHEREAS, the City is itself the owner of this parcel and while the City cannot enter into an agreement with itself, the City is hereby making this municipal services statement;

WHEREAS, the City of Big Spring is the Owner of land situated in Howard County, Texas, which consists of approximately 11.06 acres of land in the City's extraterritorial jurisdiction, such property being more particularly described and set forth in Exhibit A attached and incorporated herein by reference ("Property");

WHEREAS, the City of Big Spring City Council has authorized the City Manager to facilitate the annexation of the Property;

WHEREAS, City desires to set out the City services to be provided for the Property on or after the effective date of annexation;

WHEREAS, the Annexation Case and execution of this Statement are subject to approval by the Big Spring City Council; and

NOW THEREFORE, the City Council of the City of Big Spring provides as follows:

1. **PROPERTY.** This Statement is only applicable to the Property, which is the subject of the Annexation Case.
2. **INTENT.** It is the intent of the City that this Statement provide for the delivery of available municipal services to the Property in accordance with state law, which may be accomplished through any means permitted by law.
3. **MUNICIPAL SERVICES.**
 - a. Commencing on the effective date of annexation, the City will provide the municipal services set forth below. As used in this Statement, "providing services" includes having services provided by any method or means by which the City may extend municipal

services to any other area of the City, including the City's infrastructure extension policies and developer or property Owners' participation in accordance with applicable city ordinances, rules, regulations, and policies.

- i. Fire – The City's Fire Department will provide emergency and fire protection services.
- ii. Police – The City's Police Department will provide protection and law enforcement services.
- iii. Emergency Medical Services - The City's Fire Department will provide emergency medical services.
- iv. Planning, Zoning, and Building – The City will provide comprehensive planning, land development, land use, and building review and inspection services in accordance with all applicable laws, rules, and regulations.
- v. Publicly Owned Parks, Facilities, and Buildings
 1. Residents of the Property will be permitted to utilize all existing publicly-owned and available parks, facilities (including, community service facilities, the aquatic center, etc.), and buildings throughout the City and as owned by the City. Any private parks, facilities, and buildings will be unaffected by the annexation; provided, however, that the City will provide for maintenance and operation of the same upon acceptance of legal title thereto by the City and appropriations therefor.
 2. In the event the City acquires any other parks, facilities, or buildings necessary for City services within the Property, the appropriate City department will provide maintenance and operations of the same.
- vi. Streets The City will maintain the public streets and streetlights over which the City has jurisdiction. The City will provide regulatory signage services in accordance with the City policies and procedures and applicable laws.
- vii. Water and Wastewater
 1. Owners are responsible for connecting to the City water and wastewater systems according to City specifications, rules and guidelines. Owners are also responsible for building water mains in the Property according to City specifications, rules, and guidelines. Once connected to the City's water and wastewater mains, the City water system will be provided by the City at rates established by City ordinances for such service.
 2. New homes will be required to connect to the City's water and sewer system at the Owners' expense.
- viii. Solid Waste Services – The City will provide solid waste collection services in

accordance with existing City ordinances and policies, except where prohibited by law.

ix. Code Compliance – The City’s Code Compliance Department will provide education, enforcements, and abatement relating to code violations within the Property.

- b. It is understood and agreed that the City is not required to provide a service that is not included in this Agreement.
- c. Owners understand and acknowledges that the City departments listed above may change names or be re-organized by the City Manager. Any reference to a specific department also includes any subsequent City department that will provide the same or similar services.

- 4. **CONSENT TO ANNEX.** The City Council of the City of Big Spring, Texas authorizes the annexation the Property.
- 5. **AUTHORITY.** City Council represents that they have full power, authority and legal right to execute, deliver and perform their obligations pursuant to this Statement. City acknowledges that approval of the Annexation Case is within the sole jurisdiction of the City Council.
- 6. **SEVERABILITY.** If any part, term, or provision of this Statement is held by the courts to be illegal, invalid, or otherwise unenforceable, such illegality, invalidity, or unenforceability will not affect the validity of any other part, term or provision, and the rights of the City will be construed as if the part, term, or provision was never part of the Statement.
- 8. **STATEMENT BINDS SUCCESSORS AND RUNS WITH THE LAND.** This Statement is binding on and inures to the benefit of the parties, their successors, and assigns. The term of this Statement constitutes covenants running with the land comprising the Property and is binding on the City.
- 9. **Disclosure.** The following disclosures are made.
- 10. **Acceptance.** The City of Big Spring as the owner of the parcel hereby accepts this statement.

Executed as of the day and year first above written to be effective on the effective date of annexation of the Property.

Approved as to Form and Legality:

CITY OF BIG SPRING, TEXAS

City Attorney

By: _____
Name: _____
Title: _____

Attest:

Tami Davis, City Secretary

State of Texas §
County of Tarrant §

This instrument was acknowledged before me on the _day of _____, 20_,
by Jay Chapa, Assistant City Manager of the City of Big Spring, a Texas municipal corporation,
on behalf of said corporation.

By: _____

Notary Public, State of Texas

State of Texas §
County of _____ §

This instrument was acknowledged before me on the _____ day of _____, 20_,
by _____, _____ of [Name of individual signing, title (if
any)] on behalf of said _____ [insert name of company or individual
where applicable].

By: _____

Notary Public, State of Texas

After Recording Return to:
City Secretary
City of Big Spring
200 Texas Street
Big Spring, Texas 76102

EXHIBIT A

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS ESTABLISHING CLASSIFICATIONS AND NUMBER OF POSITIONS FOR THE FIRE DEPARTMENT PURSUANT TO SECTION 143.021, TEXAS LOCAL GOVERNMENT CODE; DECREASING THE NUMBER OF SWORN FIRE DEPARTMENT PERSONNEL BY TEN (10) FROM SEVENTY-FOUR (74) TO SIXTY-FOUR (64) THROUGH ATTRITION WITH NO CURRENT POSITIONS BEING ELIMINATED; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH THE ORDINANCE WAS DISCUSSED WERE OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, having adopted the Charter of the City of Big Spring, the City of Big Spring is incorporated and organized under the laws of the State of Texas as a home-rule municipality; and

WHEREAS, the City Council of Big Spring is the governing body of the City of Big Spring pursuant to Section 1a, Article IV of the Charter; and

WHEREAS, the City of Big Spring has as one of its departments the Big Spring Fire Department; and

WHEREAS, the citizens of the City of Big Spring, Texas have adopted the civil service system for the Fire Department; and

WHEREAS, civil service is governed under state law, Chapter 143 of the Texas Local Government Code; and

WHEREAS, by statute, the Civil Service Commission “shall provide for the classification of all fire fighters,” and City Council “by ordinance shall prescribe the number of positions in each classification,” Section 143.021, Texas Local Government Code; and

WHEREAS, in 2016, under Ordinance 030-2016, City Council had set the total number of sworn fire department personnel at 62, including 1 fire chief, 6 deputy chiefs, 15 lieutenants, 15 drivers, and 25 firefighters; and

WHEREAS, in 2019, in part to defray overtime expense, City Council accepted a FEMA SAFER grant that made it possible to add ten additional firefighter positions, and in addition City Council added one deputy chief position for a total of eleven additional personnel; and

WHEREAS, in its Ordinance 047-2019, City Council set the total number of sworn fire department personnel at 73, including 1 fire chief, 7 deputy chiefs, 15 lieutenants, 15 drivers, and 35 firefighters, and in said Ordinance, City Council stated “Prior to the end of the three-year term, the Fire Chief and HR Director will evaluate the ability of the City to maintain the additional firefighters. If it is determined that the City is unable to maintain the additional firefighter positions, the additional firefighter positions will be eliminated through attrition; however, the City will maintain no less than 25 firefighters;” and

WHEREAS, in 2022, City Council adopted Ordinance 016-2022 setting the total number of sworn fire department personnel at 74 by adding one firefighter position to a total of 36, in anticipation of seeking an additional SAFER grant for the one additional personnel, and nevertheless reserving the possibility of lowering the amount of firefighter positions to 26; and

WHEREAS, in 2022 City Council adopted Resolution 013-2022 in preparation for seeking the additional FEMA SAFER grant; and

WHEREAS, no FEMA SAFER grant can be used to retain existing positions, but may only be used to add new positions; and

WHEREAS, citing “the City’s limited budget,” City Council repealed Resolution 013-2022 by its Resolution 037-2022; and

WHEREAS, in March 2023, the FEMA SAFER grant expired; and

WHEREAS, the management staff of the City, after appropriate review and evaluation of the needs of the Fire Department and ongoing and continued overtime expense, have made their recommendation relating to the existing number of budgeted positions and recommend decreasing the number of sworn fire department personnel in the Fire Department by ten (10) positions from 74 to 64 total personnel, including 10 “firefighter” classifications from 36 to 26; and

WHEREAS, due to budgetary shortfalls affecting the Fire Department, especially as concerns overtime expense, the City of Big Spring must take action to control expenses; and

WHEREAS, the reduction by attrition of these positions is in the best interest of the Fire Department and the City;

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

SECTION 1. The City Council approves an ordinance to decrease the number of Firefighter positions by ten (10), by attrition with no current positions being eliminated.

SECTION 2. City Council hereby amends Big Spring City Code Chapter 2, entitled "Administration," Article III, entitled "Officers and Employees," Section 2-57, entitled

"Adoption of civil service for firefighters' and civil service positions designated," in part as follows:

Big Spring City Code
Chapter 2 – Administration
Article III – Officers and Employees

Section 2-57 – Adoption of civil service for firefighters and civil service positions designated.

~~Section 2-57 – Adoption of civil service for firefighters' and civil service positions designated.~~

- (a) Firefighters' Civil Service under Texas Local Government Code Ch.143 is hereby put into effect by the city as of October 1, 1985.
- (b) All employees are hereby granted the same vacation and sick leave benefits granted to firefighters under Texas Local Government Code Ch.143 and the city personnel policies and procedures is hereby amended to reflect these benefits.
- (c) Classification of all firefighters and the number of authorized positions in each classification are as follows:

Classification	Number of Authorized Positions
* Fire chief	1
** Deputy chief	7
Lieutenant	15
Driver	15
*** Firefighter	26 36
Total	64 74

* Non-civil service

** One of the six deputy chiefs will be appointed by the fire chief in accordance with Texas Local Government Code § 143.014. One deputy chief will be assigned as fire marshal and certified health inspector by the fire chief in accordance with Texas Local Government Code § 143.042.

*** The city will reduce, through attrition only, firefighters to 26 from 36. As the position is reduced by attrition the number will be reduced accordingly. ~~In 2019, the Big Spring Fire Department was awarded the SAFER grant from FEMA. The grant pays for ten firefighter positions for a three-year period (ending in 2022). Prior to the end of the three-year term, the fire chief and HR director will evaluate the ability of the city to maintain the additional firefighters. If it is determined that the city is unable to~~

~~maintain the additional firefighter positions, the additional firefighter positions will be eliminated through attrition; however, the city will maintain no less than 26 firefighters.~~

NOTE* Language to be added appears underlined and language to be deleted is ~~stricken~~.

SECTION 3. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

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. Upon final passage and approval of this Ordinance, the City Secretary is hereby directed to publish the caption of the Ordinance that summarizes the purpose of the Ordinance as required by law.

SECTION 8. This Ordinance shall become effective upon its second publication.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the 11th day of July, 2023 with Council Members Hughes, Moore, McDonald and Smith voting “aye” for the passage of same. Council Members Ornelas and Tompkins, being opposed, voting “nay” for the passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the 25th 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

City of Big Spring

Purchasing and Material Control

Memorandum

To: Honorable Mayor, City Council, City Manager

From: Albert Belez, Purchasing Agent

Date: July 19, 2023

Subject: Request approval to purchase of 1 (one)-28 twenty-eight) yard Durapack Python Trash Truck

On Monday, July 17, 2023 at the request of the Public Works Director the City of Big Spring's Purchasing department sought out pricing and availability of 1 (one)-28 (twenty eight) yard Durapack Python Trash Truck. The Purchasing department received a formal quote from Crane Carrier/ Battle Motor Company. The submitted quote reflects a price of \$416,190.

Recommendation: Due to the uncertainty in the supply chain and availability, City staff would like to respectfully request that the Council accept the quote from Crane Carrier/ Battle Motor Company and proceed with the purchase of the requested trash truck.

Note: The submitted quote from Carrier/ Battle Motor Company reflects a Buyboard cooperative price. It is also important that the truck is currently available.



INTEGRITY
EXCELLENCE
TRUST

July 19, 2023

Robert Moore, Mayor
City of Big Spring
310 Nolan Street
Big Spring, Texas 79720

RE: Letter of Recommendation

Dear Mayor Moore,

On July 13th, 2023 bids were opened for the Water Treatment Plant Improvements project. This project included improvements to the sludge collection and dewatering facilities at the City of Big Spring Roy C. Hester Water Treatment Plant. There were three bids received with the low base bid of \$2,743,582.30. being turned in by Texas Water & Soil Co., Inc out of San Angelo, Texas. An alternate bid item for slip-lining an existing 10" water line was included; however, the Contractor has requested to remove this bid item from the proposal citing material errors.

We have performed a reference check for Texas Water & Soil Co., Inc. and see no reason not to award the contract. Based on our communication with the City, we recommend awarding the base to Texas Water & Soil Co., Inc. for the total contract amount of \$2,743,582.30.

Based on the Council's preference for awarding the project, we will prepare documents for execution by the Contractor and the City.

Sincerely,

JACOB | MARTIN

Tristan King, P.E.
Attachments – Bid Tabulation



3465 Curry Lane
Abilene, TX 79606
325.695.1070

908 S. Main Street, Suite 100
Boerne, TX 78006
325.695.1070

4920 S. Loop 289, Suite 104
Lubbock, TX 79414
806.368.6375

1925 Fort Worth Highway
Weatherford, TX 76086
817.594.9880

Bid Tabulation - Totals Only

Engineer: Jacob & Martin, LLC
Abilene, Texas

For all Labor, Materials, Equipment, and Incidentals to Furnish and Install the Following:	Texas Water & Soil Co., Inc.		Dowtech Specialty Contractors		MH Civil Constructors, Inc.	
	2908 W. FM 2105		4703 CR 527		621 SW 6th St.	
	San Angelo, TX 76901		Baird, TX 79504		Amarillo, TX 79101	
		Total		Total		Total
TOTAL BASE BID (Items 1 - 14)		\$ 2,743,582.30		\$ 3,061,225.30		\$ 4,579,000.00

ALTERNATE BID

		Total		Total		Total
TOTAL ALTERNATE BID (ITEM 1)		\$ 35,000.00		\$ 69,900.00		NOT BID

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 PURCHASE OF A SANITATION TRUCK; 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 City has budgeted for the Sanitation truck, but due to inflation, the price of the truck exceeds the budgeted amount.

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 \$200,000.00 to the capital expense account number 445-025-330-6401 for the purpose of purchasing a sanitation truck designed specifically for rollout containers. 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 **25th** day of **July, 2023** with all members of the Council present voting “aye” for the passage of same.

PASSED AND APPROVED on second reading at a regular meeting of the City Council on the **8th** day of **August, 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