



CITY COUNCIL REGULAR AGENDA

Tuesday, August 8, 2023

Notice is hereby given that the City Council of the City of Big Spring, Texas will meet in Regular Session on Tuesday, August 8, 2023, at 5:30 PM at the City Council Chambers Located at 307 East 4th Street, Big Spring, Texas. **We welcome the public to attend the meeting via telecommunication. Citizens will be able to view the City Council Meeting on Our Local Channel 17 through Suddenlink or on Our Website <http://mybigspring.com/224/Channel-17-Live>.**

CITY COUNCIL MEETING ETIQUETTE

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

Thank you!

Open Session

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

Public Comment

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

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| 4. Public Comment | Moore |
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Announcements, Presentations and Public Hearings

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

- | | | |
|--|-------------|-------|
| 5. PUBLIC HEARING - Consideration and Possible Action
Concerning Abatement of Public Nuisance, at 201
CHANNING, BIG SPRING, TEXAS 79720 - LEGAL
DESCRIPTION: S/27 W/90 OF LT 1 BK 1 ROSEMONT
27X90 060 0.056 ACRES ACQ 062813- OWNER: CURTIS
FLEWELLEN | 6-39 | Hagen |
| 6. PUBLIC HEARING - Consideration and Possible Action
Concerning Abatement of Public Nuisance, at 1807 W 3RD,
BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: PART
NW/4 OF SC 32 BK 33 1N 604 ACQ 100307 BLK/TRACT 33
1N 0.466 ACRES - OWNER: VARGAS GALINDO | 40-81 | Hagen |
| 7. PUBLIC HEARING - Consideration and Possible Action
Concerning Abatement of Public Nuisance, at 500 NW 7TH,
BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: LT 12
BK 19 BAUER 60X140 537 BLK/TRACT 19 0.193 ACRES -
OWNER: JOANN TORRES | 82-
115 | Hagen |
| 8. PUBLIC HEARING - Consideration and Possible Action
Concerning Abatement of Public Nuisance, at 106 ALGERITA
, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: LT 3
BK 7 LAKEVIEW 50X140 341 0.161 ACRES ACQ 03042020-
OWNER: PHILLIP DON LESLEY | 116-
152 | Hagen |
| 9. 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 525X150 441 BLK/TRACT
1 0.179 ACRES - OWNER: VIRGINIA PEREZ AND ESTATE
OF ROBERTO D. PEREZ | 153-
184 | Hagen |

City Manager's Report

- | | |
|--|--------|
| 10. City Manager's report on the following items: | Darden |
| <ul style="list-style-type: none">• Large Item Pickup, District 2 - August 16, 2023• Budget Work Sessions - August 14 - 18• Blowout at the Bunkers - August 19, 2023• Back to School Starting August 17, 2023 | |

Consent Items

- | | | |
|---|---------|-------------|
| 11. Approval of the City Council Minutes of the Regular Meeting of July 25, 2023. | 185-192 | Davis |
| 12. Acknowledge Receipt of the Big Spring Economic Development Board Minutes for the Regular Meeting of May 16, 2023. | 193-194 | Mark Willis |
| 13. Final Reading of an Ordinance Amending Ordinance Number 038-2022 Which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023 by Increasing the Sanitation Fund Budget for the Purpose of the Purchase of a Sanitation Truck; Providing for Severability; Providing for Publication; and Providing an Effective Date | 195-196 | S. Smith |

Vouchers

- | | | |
|---------------------------|---------------|---------|
| 14. Vouchers for 07/28/23 | \$ 356,862.92 | Ornelas |
| Drafts | \$ 669,337.90 | |
| 15. Vouchers for 08/03/23 | \$ 802,203.98 | Yanez |

Bids

- | | | |
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| 16. Consideration and Possible Action on Awarding a Bid for an Ice Machine for the Airpark Department and Authorizing the City Manager or His Designee to Execute any Necessary Documents | 197 | Medina |
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New Business

- | | | |
|--|---------|----------|
| 17. Consideration and Possible Action to Accept a Donation from Crossroad Housing to the Bert Andries Park Splash Pad | | Lewis |
| 18. Discussion Regarding the Tax Rate for 2023-24 Fiscal Year | 198 | S. Smith |
| 19. First Reading of an Ordinance Amending the Big Spring City Code Chapter 48, "Traffic and Vehicles," Article V, "Vehicle Impoundment," Section 48-157 "Impoundment and Redemption Fees," to Increase Administrative Fees on a Driver or Owner of Any Vehicle or Property Impounded Prior to the Release of the Vehicle from \$150.00 to \$250.00; and Article VI, "Tow Trucks," Section 48-206 "License and Permit Fees," by Reducing the Annual License Fee of Towing Companies Performing Nonconsent Tows to \$15.00; | 199-200 | Williams |

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; Providing for Publication; and Establishing an Effective Date

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|-----|---|-------------|----------|
| 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 Airpark Fund Budget for the Purpose of Purchasing an Ice Machine; Providing for Severability; Providing for Publication; and Providing an Effective Date | 201-
202 | S. Smith |
| 21. | First Reading of a Resolution Amending Resolution 005-2023 and the Underlying Real Estate Purchase Agreement with 3-D Development, LLC to Replace the Right of Re-Entry with a Surety Bond; Providing for Repeal of Conflicting Resolutions; Finding and Determining that the Meetings at Which the Resolution Were Discussed Were Open to the Public as Required by Law; Providing a Savings and Severability Clause; and Establishing an Effective Date | 203-
204 | Medina |

Council Input

- | | | |
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| 22. | Input | Moore |
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Executive Session

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| 23. | Adjourn into Executive Session in Accordance with the Purposes Permitted by the Open Meetings Act, Section 551.071, Texas Government Code, "Consultation with Attorney; Closed Meeting," and the Texas Disciplinary Rules of Professional Conduct, to Provide Legal Advice and Counsel with Respect to Litigation. City of Big Spring v. Jake Tiner Construction, LLC (No. 54929). | Moore |
| 24. | Adjourn into Executive Session in Accordance with the Purposes Permitted by the Open Meetings Act: Section 551.071, Texas Government Code, to Receive Attorney Advice and Consultation; and Section 551.072 Texas Government Code, "Deliberation Regarding Real Property; Closed Meeting," to Deliberate the Purchase, Exchange, Lease, or Value of Real Property when Deliberation in an Open Meeting Would Have a Detrimental Effect on the Position of the Governmental Body in Negotiations with a Third Person: 406/408 Nolan Street, Big Spring, Texas, legal | Moore |

description, first parcel S/20' OF LT 2 & N/15' OF LT 3 BK 31
ORIGINAL TOWN 35X140 0536 ACQ 101409 0.112 ACRES.
Legal description: second parcel: S/35' OF LT 3 BK 31
ORIGINAL TOWN 35X140 0537 ACQ 05312022 0.112
ACRES, Howard County.

25. **Reconvene** into Open Session and Take any Necessary Action on Executive Session Items Moore
26. **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, August 4, 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.

201 CHANNING

Code Enforcement Officer: Jacob Leos

Exhibit A-1

STATE OF TEXAS

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COUNTY OF HOWARD

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**AFFIDAVIT OF JACOB LEOS
CONCERNING 201 CHANNING**

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

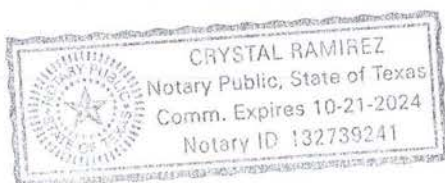
“My name is **Jacob Leos**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

“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 **201 CHANNING**, 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 3rd day of August, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 3rd day of August, 2023 by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit A-2

Property Details

Account		
Property ID:	285790	Geographic ID: B5220000200
Type:	Real	Zoning:
Property Use:		Condo:
Location		
Situs Address:	201 CHANNING	
Map ID:		Mapsco:
Legal Description:	S/27 W/90 OF LT 1 BK 1 ROSEMONT 27X90 060 0.056 ACRES ACQ 062813	
Abstract/Subdivision:		
Neighborhood:	TENN	
Owner ?		
Owner ID:	400609	
Name:	FLEWELLEN CURTIS	
Agent:		
Mailing Address:	701 OHIO BIG SPRING, TX 79720	
% Ownership:	100.0%	
Exemptions:	For privacy reasons not all exemptions are shown online.	

Property Values

Improvement Homesite Value:	\$0 (+)
Improvement Non-Homesite Value:	\$0 (+)
Land Homesite Value:	\$0 (+)
Land Non-Homesite Value:	\$1,069 (+)
Agricultural Market Valuation:	\$0 (+)
Market Value:	\$1,069 (=)

Agricultural Value Loss: ⓘ	\$0 (-)
Appraised Value:	\$1,069 (=)
Homestead Cap Loss: ⓘ	\$0 (-)
Assessed Value:	\$1,069
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: FLEWELLEN CURTIS **%Ownership:** 100.0%

Entity	Description	Tax Rate	Market Value	Taxable Value	Estimated Tax	Freeze Ceiling
01H	HOWARD COUNTY	0.238916	\$1,069	\$1,069	\$2.55	
02B	CITY OF BIG SPRING	0.673163	\$1,069	\$1,069	\$7.20	
03B	BIG SPRING ISD	0.930900	\$1,069	\$1,069	\$9.95	
052	HOWARD COLLEGE	0.168395	\$1,069	\$1,069	\$1.80	

Total Tax Rate: 2.011374

Estimated Taxes With Exemptions: \$21.50

Estimated Taxes Without Exemptions: \$21.50

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
201 CHANNING 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.

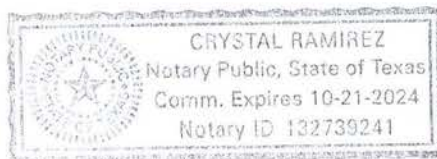
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout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


AFFIANT

SWORN TO AND SUBSCRIBED before me this 3rd day of August, 2023

by the above referenced Affiant.



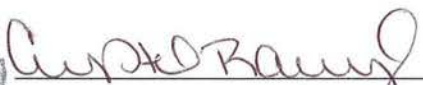

Notary Public, State of Texas

Exhibit A-3

NOTES

Incident Notes:

5/11/23 CODE OFFICER LEOS INPSECTED PROPERTY. STRUCTURE ON PROPERTY IS SUBSTANDARD. THE ROOF IS DETIORATING AND HAS OPENINGS. THE STRUCTURE WALLS ARE DETIORATING AND HAS LOTS OF DAMAGE. THE WINDOWS AND DOOR ARE BROKEN. OVERALL THE STRUCTURE LOOKS IN TOTAL BAD SHAPE. IT IS A SAFETY HAZARD. THE STRUCTURE SHOULD BE DEMOLISHED AND REMOVED. WILL SEND NOTICE TO (HOWCAD) OWNER, CURTIS FLEWELLEN AT MAILING ADDRESS 701 OHIO. WILL ALSO SEND CASE IN TO LEGAL FOR FURTHER LEGAL ACTION.

Task #: 116303 - INSPECT SUBSTANDARD - 6/21/2023

Task #: 116304 - SUBSTANDARD BLD - 6/21/2023

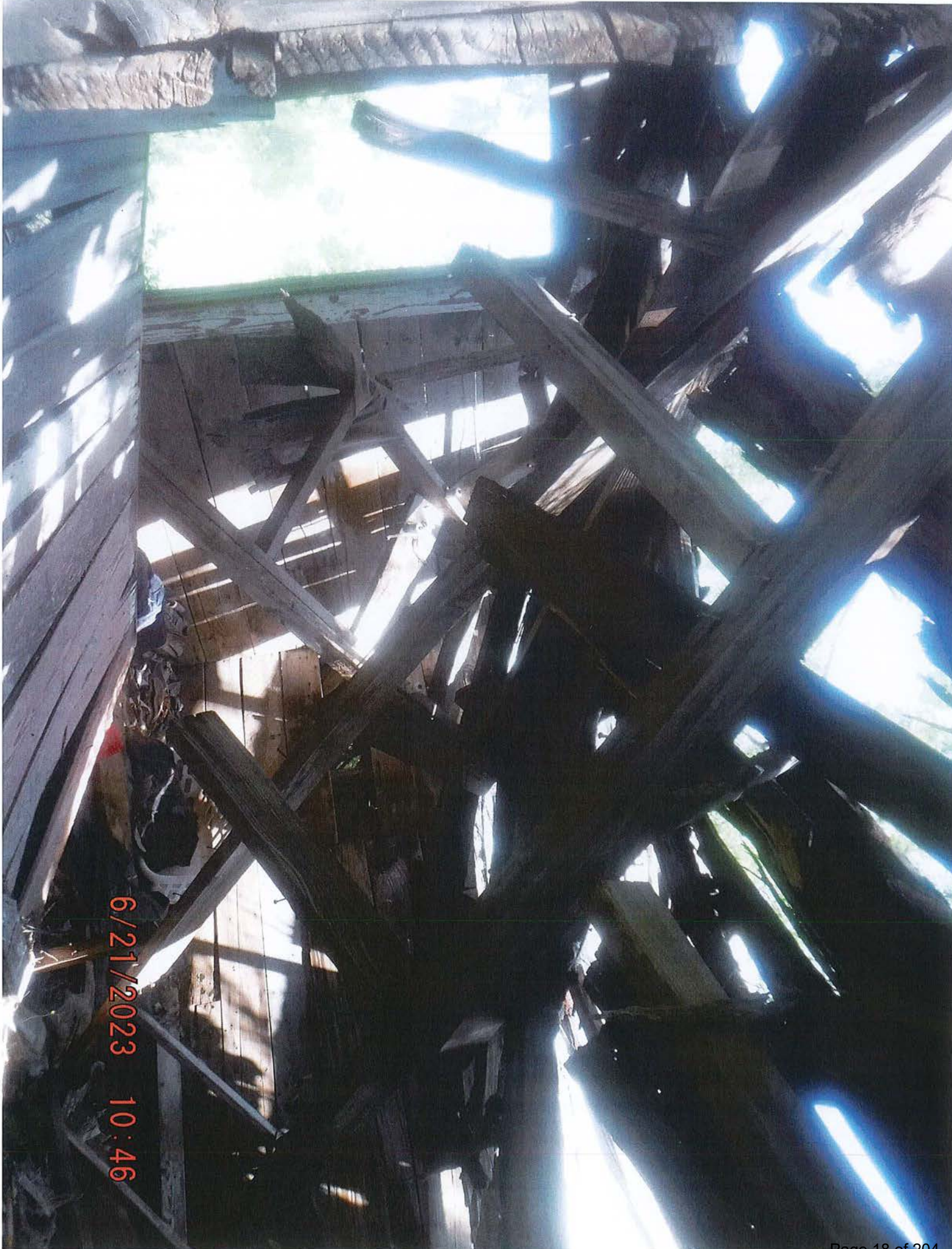
SSSS

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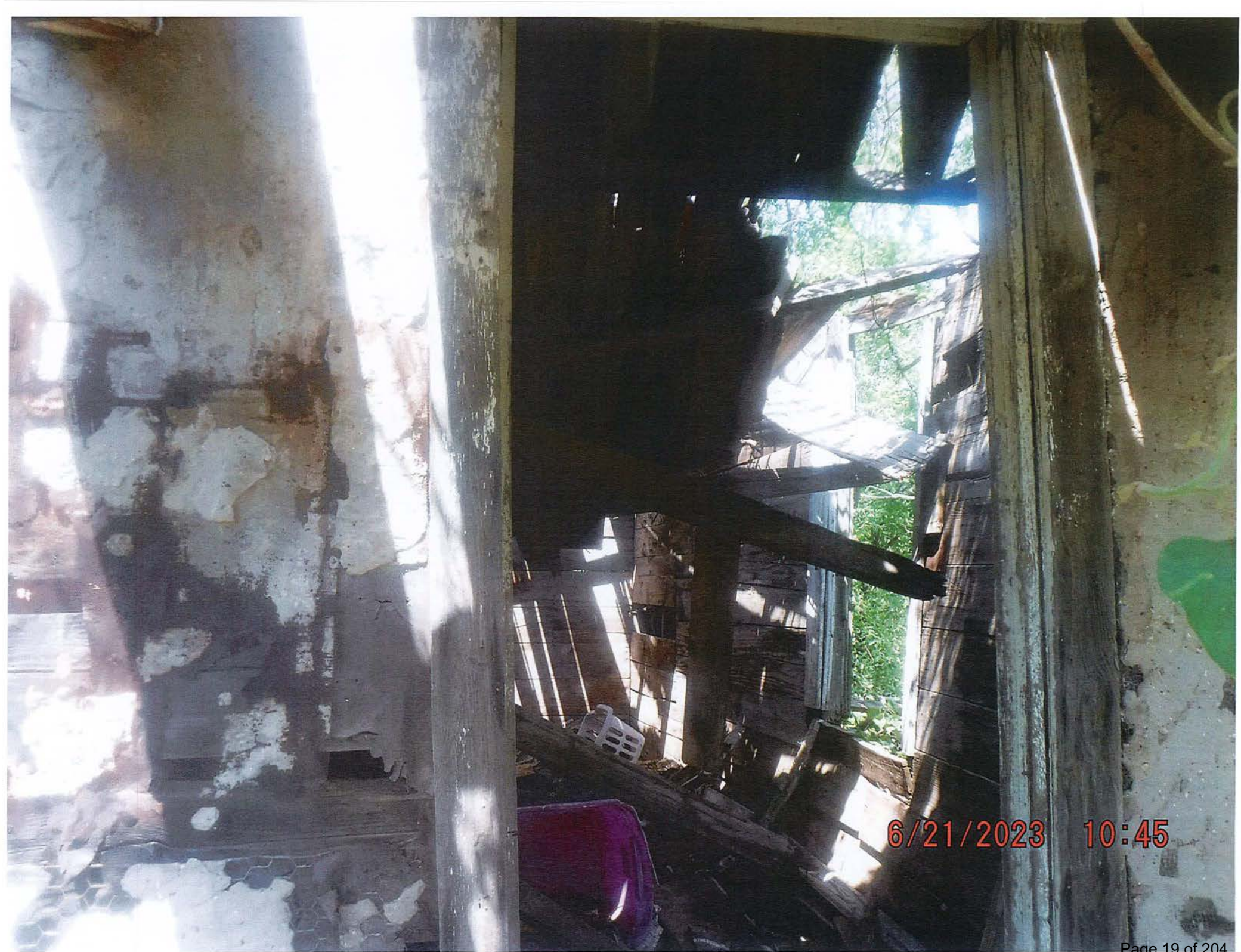
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Exhibit A-4





6/21/2023 10:46









6/21/2023 10:46







5/11/2023 14:49



5/11/2023 14:49

Exhibit A-5

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
NOTICE SENT BY JACOB LEOS**

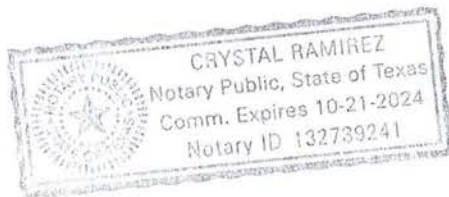
“The document in **Exhibit A-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

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

SIGNED on the 3rd day of August, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 3rd day of August, 2023
by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit A-6



**NOTICE OF VIOLATION AND ORDER TO ABATE
201 CHANNING**

S/27 W/90 OF LT 1 BK 1 ROSEMONT 27X90 060 0.056 ACRES ACQ 062813

JUNE 21, 2023

Case No:73179

CURTIS FLEWELLEN
701 OHIO
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

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

Corrective Action Required	Deadline for Compliance
THE STRUCTURE ON THIS PROPERTY DOES NOT MEET MINIMUM BUILDING STANDARDS. THE STRUCTURE NEEDS TO BE BROUGHT UP TO BUILDING CODE OR DEMOLISHED/REMOVED.	Seven (7) days from date of mailing

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

Issued by

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

The City's goal is voluntary compliance.

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

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

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an

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

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

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

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

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

Sincerely,



Code Enforcement Officer
City of Big Spring, Texas



NOTICE OF VIOLATION AND NOTICE OF HEARING

Sent via: Certified Mail; Return Receipt Requested

July 26, 2023

Curtis Flewellen
201 Channing
Big Spring, TX 79720

Curtis Flewellen
701 Ohio
Big Spring, TX 79720

Re: 201 CHANNING, BIG SPRING, TEXAS 79720
LEGAL DESCRIPTION: S/27 W/90 OF LT 1 BK 1 ROSEMONT 27X90 060 0.056
ACRES ACQ 062813, 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: 1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings. 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.	Doors not to code. Clearly unsafe for occupancy. Neglected, damaged, dilapidated, and abandoned. Hazardous condition.
304.1.1 UNSAFE CONDITIONS. The following	The roof appears to admit rain and

conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 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 in capable of supporting all nominal loads and resisting all load effects.	has signs of deterioration. Walls need repair. Unsafe condition.
304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.	The roof has defects that admit rain and is not sound and not tight.
304.13. Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.	Windows need to be fixed.

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, August 8, 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 A-7



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 AUGUST 8TH, 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:

201 CHANNING ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: S/27 W/90 OF LT 1 BK 1 ROSEMONT 27X90 060 0.056 ACRES ACQ 062813- OWNER: CURTIS FLEWELLEN

1807 W 3RD ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: PART NW/4 OF SC 32 BK 33 1N 604 ACQ 100307 BLK/TRACT 33 1N 0.466 ACRES – OWNER: JUAN F.VARGAS-GALINDO

500 NW 7TH ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 12 BK 19 BAUER 60X140 537 BLK/TRACT 19 0.193 ACRES– OWNER: JOANN TORRES AND JOE P. TORRES

106 ALGERITA, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 3 BK 7 LAKEVIEW 50X140 341 0.161 ACRES ACQ 03042020– OWNER: PHILLIP DON LESLEY

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

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

1807 W 3RD

Code Compliance Official: Ashley Guerra

Exhibit B-1

STATE OF TEXAS

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§

COUNTY OF HOWARD

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**AFFIDAVIT OF ASHLEY GUERRA
CONCERNING 1807 W 3RD**

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

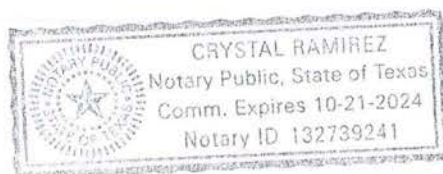
“My name is **Ashley Guerra**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

“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 **1807 W 3RD**, 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 3 day of Aug, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 3rd day of August, 2023 by the above referenced Affiant.




Notary Public, State of Texas

Exhibit B-2

Property Details

Account		
Property ID:	297356	Geographic ID: 51932003700
Type:	Real	Zoning:
Property Use:		Condo:
Location		
Situs Address:	1807 W 3RD	
Map ID:		Mapsco:
Legal Description:	PART NW/4 OF SC 32 BK 33 1N 604 ACQ 100307 BLK/TRACT 33 1N 0.466 ACRES	
Abstract/Subdivision:		
Neighborhood:	LKVW	
Owner 		
Owner ID:	404038	
Name:	VARGAS-GALINDO	
Agent:		
Mailing Address:	BIG SPRING, TX 79720	
% Ownership:	100.0%	
Exemptions:	For privacy reasons not all exemptions are shown online.	

Property Values

Improvement Homesite Value:	\$0 (+)
Improvement Non-Homesite Value:	\$21,438 (+)
Land Homesite Value:	\$15,950 (+)
Land Non-Homesite Value:	\$0 (+)
Agricultural Market Valuation:	\$0 (+)
Market Value:	\$37,388 (=)

Agricultural Value Loss: ?	\$0 (-)
Appraised Value:	\$37,388 (=)
Homestead Cap Loss: ?	\$0 (-)
Assessed Value:	\$37,388
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: VARGAS-GALINDO %**Ownership:** 100.0%

Entity	Description	Tax Rate	Market Value	Taxable Value	Estimated Tax	Freeze Ceiling
01H	HOWARD COUNTY	0.238916	\$37,388	\$37,388	\$89.33	
02B	CITY OF BIG SPRING	0.673163	\$37,388	\$37,388	\$251.68	
03B	BIG SPRING ISD	0.930900	\$37,388	\$37,388	\$348.04	
052	HOWARD COLLEGE	0.168395	\$37,388	\$37,388	\$62.96	

Total Tax Rate: 2.011374

Estimated Taxes With Exemptions: \$752.01

Estimated Taxes Without Exemptions: \$752.01

STATE OF TEXAS

§

§

COUNTY OF HOWARD

§

**CERTIFICATION
1807 W 3RD 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.

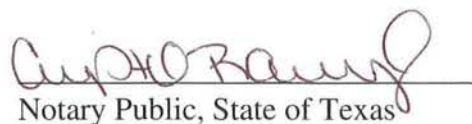
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout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


AFFIANT

SWORN TO AND SUBSCRIBED before me this 3rd day of August, 2023

by the above referenced Affiant.


Notary Public, State of Texas

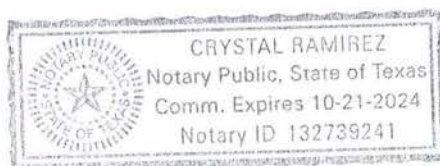


Exhibit B-3

07-05-2023 01:47 PM

TASK NOTES REPORT

TASK #: 116252
TASK CODE: INSPECT SUBSTANDARD
PROPERTY: 1807 W 3RD

ORIG. DATE:
DUE DATE:

NOTES

Incident Notes:

Task #: 116252 - INSPECT SUBSTANDARD - 6/20/2023
on 6-19-23 i was called a complained on property went out to look and
there is a burnt structure with a garage and a carport atatched that also
needs to come down ,Ai wood trash and tires also wl .
sent out notice of violation for wl and ai on 6-20-23
owner is Vargas Galindo
no contact has been made
sent to legal on 7-5-23 so that legal can send out notice of violation
for sub standard structure's

Task #: 116253 - SUBSTANDARD BLD - 6/20/2023

STATE OF TEXAS

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§

COUNTY OF HOWARD

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**CERTIFICATION OF
PHOTOGRAPHS BY ASHLEY GUERRA**

“With regard to the photographs in **Exhibits B-4** I am familiar with and recognize the scene depicted in the photographs. On June, 19th, 2023 and June, 30th, 2023, I inspected the property described as:

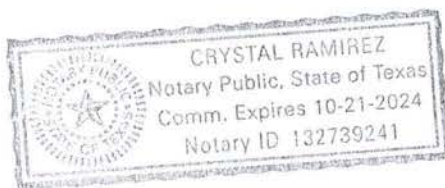
PART NW/4 OF SC 32 BK 33 1N 604 ACQ 100307 BLK/TRACT 33 1N 0.466
ACRES Big Spring, Howard County, Texas, also known as **1807 W 3RD**, Big
Spring, Texas.

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

SIGNED on the 3 day of Aug, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 3rd day of August, 2023
by the above referenced Affiant.



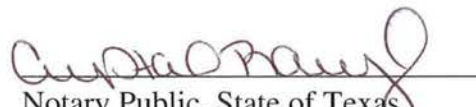

Notary Public, State of Texas

Exhibit B-4





6/19/2023 8:25









6/30/2023 14:07



6/30/2023 14:07



6/30/2023 14:07



6/30/2023 14:07







6/30/2023 14:08



6/30/2023 14:08



6/30/2023 14:08



Exhibit B-5

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
NOTICE SENT BY ASHLEY GUERRA**

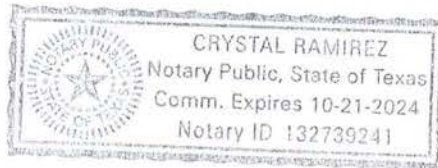
“The document in **Exhibit B-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

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

SIGNED on the 3 day of Aug, 2023,


AFFIANT

SWORN TO AND SUBSCRIBED before me this 3rd day of August, 2023
by the above referenced Affiant.



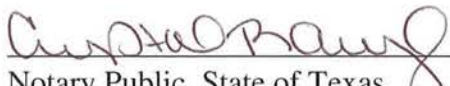

Notary Public, State of Texas

Exhibit B-6



Code Compliance

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

NOTICE OF VIOLATION AND ORDER TO ABATE

1807 W 3RD

PART NW/4 OF SC 32 BK 33 1N 604 ACQ 100307 BLK/TRACT 33 1N 0.466 ACRES

June 20, 2023

Case No: 73154

VARGAS GALINDO
1807 W 3RD ST
BIG SPRING TX 79720-1735

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 (WOOD A BUNCH OF TRASH AND TIRES) that need to be removed from public view. This is the only notice you will receive for the next 12 months. If problem persists, criminal charges will be filed.	Seven (7) days from date of mailing

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

Issued by

ASHLEY GUERRA

Name

Code Compliance

Department

432-264-2505

Phone

aguerra@mybigspring.com

E-mail

The City's goal is voluntary compliance.

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

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

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

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

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

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

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

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

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

Sincerely,

A handwritten signature in blue ink, appearing to be 'Ashley 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

1807 W 3RD

PART NW/4 OF SC 32 BK 33 1N 604 ACQ 100307 BLK/TRACT 33 1N 0.466 ACRES

June 20, 2023

Case No: 73152

VARGAS GALINDO
1807 W 3RD ST
BIG SPRING TX 79720-1735

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

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

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

Corrective Action Required	Deadline for Compliance
High weeds and grass, needs to be mowed to the center of the easement including alley and curb line. This is the only notice you will receive for the next 12 months. If problem persists, criminal charges will be filed.	Seven (7) days from date of mailing

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

Issued by

ASHLEY GUERRA
Name

Code Compliance
Department

432-264-2505
Phone

aguerra@mybigspring.com
E-mail

The City's goal is voluntary compliance.

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

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

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

If you fail to take the corrective action within the deadlines stated above, the City may proceed with abatement (taking the corrective action for you). If so, the City will send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

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

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

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

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the

property— with conditions and exceptions stated in PMC Sec. 111.6.

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

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Ashley D.", is written over the word "Sincerely,".

Code Compliance
City of Big Spring, Texas



NOTICE OF VIOLATION AND NOTICE OF HEARING

Sent via: Certified Mail; Return Receipt Requested

July 28, 2023

Juan Vargas-Galindo
1807 West 3rd Street
Big Spring, Texas 79720

Juan Vargas-Galindo
614 E. Albertson Circle
Hobbs, NM 88240-2044

Re: 1807 W 3RD, BIG SPRING, TEXAS 79720

**LEGAL DESCRIPTION: PART NW/4 OF SC 32 BK 33 1N 604 ACQ 100307
BLK/TRACT 33 1N 0.466 ACRES, HOWARD COUNTY**

Big Spring Code Compliance has determined that at the following structure(s): Main and 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: 1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings. 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. 11. Any portion of a building remains on a site after the	Doors not to code. Clearly unsafe for occupancy. Neglected, damaged, dilapidated, and abandoned. The building had fire damage not repaired. Hazardous condition.

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.	
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: 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 in capable of supporting all nominal loads and resisting all load effects.	The roof appears to admit rain and has signs of deterioration. Walls need repair. Unsafe condition.
304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.	The roof has defects that admit rain and is not sound and not tight.
304.13. Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.	Windows need to be fixed.

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

<u>Ashley Guerra</u>	<u>Code Compliance Official</u>
<i>Name</i>	<i>Title</i>
<u>+1 (432) 264-2505</u>	<u>aguerra@mybigspring.com</u>
<i>Phone</i>	<i>E-mail</i>

The City's goal is voluntary compliance.

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

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

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, August 8, 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.

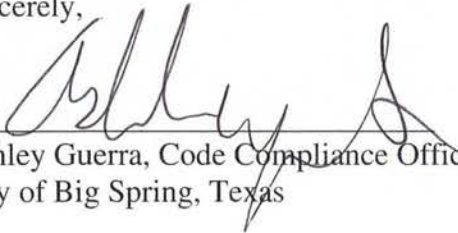
NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, 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 B-7



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 **AUGUST 8TH, 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:

201 CHANNING ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: S/27 W/90 OF LT 1 BK 1 ROSEMONT 27X90 060 0.056 ACRES ACQ 062813- OWNER: CURTIS FLEWELLEN

1807 W 3RD ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: PART NW/4 OF SC 32 BK 33 1N 604 ACQ 100307 BLK/TRACT 33 1N 0.466 ACRES – OWNER: JUAN F.VARGAS-GALINDO

500 NW 7TH ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 12 BK 19 BAUER 60X140 537 BLK/TRACT 19 0.193 ACRES– OWNER: JOANN TORRES AND JOE P. TORRES

106 ALGERITA, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 3 BK 7 LAKEVIEW 50X140 341 0.161 ACRES ACQ 03042020– OWNER: PHILLIP DON LESLEY

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

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

500 NW 7TH

Code Enforcement Officer: Jacob Leos

Exhibit C-1

STATE OF TEXAS

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COUNTY OF HOWARD

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**AFFIDAVIT OF JACOB LEOS
CONCERNING 500 NW 7TH**

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

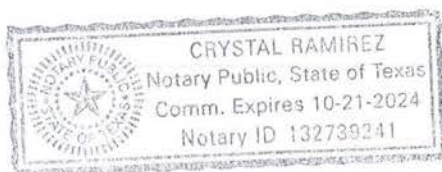
“My name is **Jacob Leos**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

“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 **500 NW 7TH**, 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 3rd day of August, 2023.

AFFIANT 

SWORN TO AND SUBSCRIBED before me this 3rd day of August, 2023 by the above referenced Affiant.



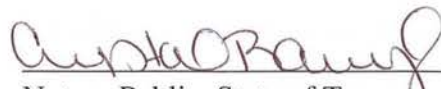

Notary Public, State of Texas

Exhibit C-2

Property Details

Account

Property ID: 277045 Geographic ID: B2280018100

Type: Real Zoning:

Property Use: Condo:

Location

Situs Address: 500 NW 7TH

Map ID: Mapsco:

Legal Description: LT 12 BK 19 BAUER 60X140 537 BLK/TRACT 19 0.193 ACRES

Abstract/Subdivision:

Neighborhood: BAUR

Owner ⓘ

Owner ID: 299969

Name: TORRES JOANN

Agent:

Mailing Address: 500 NW 7TH

BIG SPRING , TX 79720

% Ownership: 100.0%

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

Property Values

Improvement Homesite Value:	\$77,112 (+)
Improvement Non-Homesite Value:	\$10,094 (+)
Land Homesite Value:	\$2,640 (+)
Land Non-Homesite Value:	\$0 (+)
Agricultural Market Valuation:	\$0 (+)

STATE OF TEXAS

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COUNTY OF HOWARD

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CERTIFICATION
500 NW 7TH 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 3rd day of August, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 3rd day of August, 2023

by the above referenced Affiant.

Crystal Ramirez
Notary Public, State of Texas

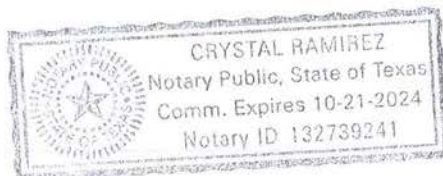


Exhibit C-3

7-06-2023 10:24 AM

TASK NOTES REPORT

ASK #: 116393

ORIG. DATE:

ASK CODE: INSPECT SUBSTANDARD

DUE DATE:

PROPERTY: 5001/2 NW 7TH

NOTES

Incident Notes:

-23-23 CODE OFFICER LEOS INSPECTED PROPERTY DUE TO COMPLAINT. OBSERVED
PROPERTY STRUCTURE WAS IN VIOLATION OF SUB STANDARD INCLUDING PROPERTY
MAINTENANCE CODE AND HAZARDOUS STRUCTURE. A LARGE PART OF THE ROOF IS
MISSING EXPOSING RAFTERS AND WOULD ALLOW WATER FROM RAIN TO GO INSIDE OF
HOUSE. THE OVERALL ROOF LOOKS WARPED AND UNSAFE. THERE IS PLYWOOD WITH A
SHEET IN IT COVERING ONE SIDE OF THE HOUSE. ALSO A BROKEN WINDOW. STRUCTURE
LOOKS ABANDONED AND VACANT. THERE IS A SECOND STRUCTURE ON PROPERTY THAT
LOOKS LIVED IN AND WITHIN CODE.

ask #: 116393 - INSPECT SUBSTANDARD - 7/05/2023

WILL SEND SUB STANDARD NOTICE OF VIOLATION TO (HOWCAD) JOANN TORRES @
MAILING ADDRESS 500 NW 7TH (SAME AS PROPERTY)

ask #: 116394 - SUBSTANDARD BLD - 7/05/2023

ss

ss

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Exhibit C-4



6/28/2023 8:31





6/28/2023

8:31



6/28/2023

8:31





6/23/2023 10:12



6/23/2023 10:12





6/23/2023 10:12



6/23/2023 10:12



6/23/2023 10:12



6/23/2023 10:13

Exhibit C-5

STATE OF TEXAS

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§

COUNTY OF HOWARD

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**CERTIFICATION
NOTICE SENT BY JACOB LEOS**

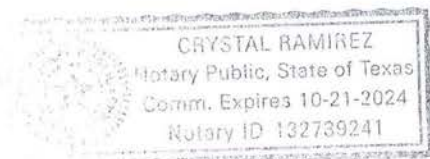
“The document in **Exhibit C-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

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

SIGNED on the 3rd day of August, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 3rd day of August, 2023
by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit C-6



NOTICE OF VIOLATION AND ORDER TO ABATE

JULY 5, 2023

Case No:73239

JOANN TORRES
500 NW 7TH
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

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



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 28, 2023

Joe P. Torres and Joann A. Torres
500 NW 7th Street
Big Spring, Texas 79720

Citibank, N.A.
Trustee for NRZ Pass-Through Trust VI
388 Greenwich Street
14th Floor
New York, NY 10013-2362

Re: 500 NW 7TH, BIG SPRING, TEXAS 79720
LEGAL DESCRIPTION: LT 12 BK 19 BAUER 60X140 537 BLK/TRACT 19 0.193
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: 1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings. 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	Doors not to code. Clearly unsafe for occupancy. Neglected, damaged, dilapidated, and abandoned. Hazardous condition.

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.	
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: 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 in capable of supporting all nominal loads and resisting all load effects.	The roof appears to admit rain and has signs of deterioration. Walls need repair. Unsafe condition.
304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.	The roof has defects that admit rain and is not sound and not tight.
304.13. Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.	Windows need to be fixed.

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, August 8, 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-7



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 **AUGUST 8TH, 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:

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1807 W 3RD ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: PART NW/4 OF SC 32 BK 33 1N 604 ACQ 100307 BLK/TRACT 33 1N 0.466 ACRES – OWNER: JUAN F.VARGAS-GALINDO

500 NW 7TH ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 12 BK 19 BAUER 60X140 537 BLK/TRACT 19 0.193 ACRES– OWNER: JOANN TORRES AND JOE P. TORRES

106 ALGERITA, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 3 BK 7 LAKEVIEW 50X140 341 0.161 ACRES ACQ 03042020– OWNER: PHILLIP DON LESLEY

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

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

106 Algerita

Code Compliance Official: Ashley Guerra

Exhibit D-1

STATE OF TEXAS

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§
§

COUNTY OF HOWARD

**AFFIDAVIT OF ASHLEY GUERRA
CONCERNING 106 Algerita**

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

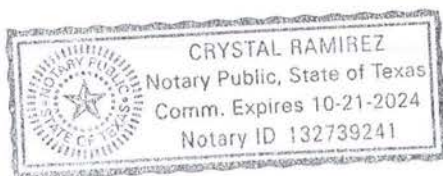
“My name is **Ashley Guerra**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

“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 **106 Algerita**, 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 3 day of Aug, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 3rd day of AUGUST, 2023 by the above referenced Affiant.



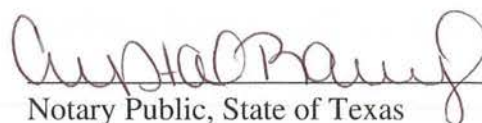

Notary Public, State of Texas

Exhibit D-2

Property Details

Account		
Property ID:	282776	Geographic ID: B4110006600
Type:	Real	Zoning:
Property Use:		Condo:
Location		
Situs Address:	106 ALGERITA	
Map ID:		Mapsco:
Legal Description:	LT 3 BK 7 LAKEVIEW 50X140 341 0.161 ACRES ACQ 03042020	
Abstract/Subdivision:		
Neighborhood:	LKVW	
Owner ?		
Owner ID:	430899	
Name:	LESLEY PHILLIP DON	
Agent:		
Mailing Address:	2104 SPUR AVE ODESSA, TX 79761	
% Ownership:	100.0%	
Exemptions:	For privacy reasons not all exemptions are shown online.	

Property Values

Improvement Homesite Value:	\$0 (+)
Improvement Non-Homesite Value:	\$1,684 (+)
Land Homesite Value:	\$0 (+)
Land Non-Homesite Value:	\$2,200 (+)
Agricultural Market Valuation:	\$0 (+)
Market Value:	\$3,884 (=)

Agricultural Value Loss:?	\$0 (-)
Appraised Value:	\$3,884 (=)
Homestead Cap Loss: ?	\$0 (-)
Assessed Value:	\$3,884
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: LESLEY PHILLIP DON %Ownership: 100.0%

Entity	Description	Tax Rate	Market Value	Taxable Value	Estimated Tax	Freeze Ceiling
01H	HOWARD COUNTY	0.238916	\$3,884	\$3,884	\$9.28	
02B	CITY OF BIG SPRING	0.673163	\$3,884	\$3,884	\$26.15	
03B	BIG SPRING ISD	0.930900	\$3,884	\$3,884	\$36.16	
052	HOWARD COLLEGE	0.168395	\$3,884	\$3,884	\$6.54	

Total Tax Rate: 2.011374

Estimated Taxes With Exemptions: \$78.13

Estimated Taxes Without Exemptions: \$78.13

STATE OF TEXAS

§

§

COUNTY OF HOWARD

§

CERTIFICATION
106 Algerita CASE NOTES

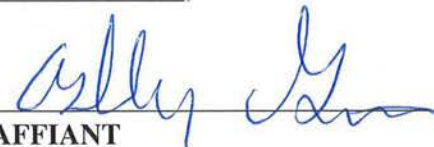
“This record, attached as **Exhibit D-3**, was made at or near the time by – or from information transmitted by a person or persons with the City with knowledge.

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 3 day of Aug, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 3rd day of AUGUST, 2023

by the above referenced Affiant.


Notary Public, State of Texas

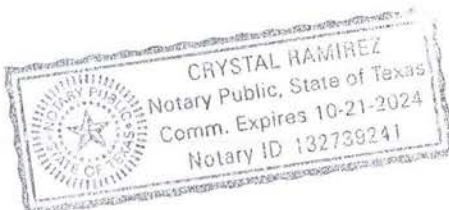


Exhibit D-3

07-11-2023 11:11 AM

INCIDENT NOTES REPORT

INCIDENT #: 73168

ORIG. DATE:

INCIDENT CODE: 300-0002 SUBSTND BLD

PROPERTY: 106 ALGERITA

NOTES

Incident Notes:

WENT OUT AND DID REINSPECTION ON 7-5-23

Task #: 116281 - INSPECT SUBSTANDARD - 6/21/2023

ON 6-20-23 HAD A COMPLAINT ON PROPERTY

TOOK PICTURES ON 6-20-23

OWNER IS LESLEY PHILLIP DON

SENT OUT A AI NOTICE OF VIOLATION ON 6-21-23

SENT OUT A WL NOTICE OF VIOLATION ON 6-21-23

SENT TO LEGAL ON 7-11-23 SO LEGAL CAN SEND OUT A SUBSTANDARD NOTICE OF
VIOLATION

I HAVE HAD NO CONTACT WITH THE OWNER

Task #: 116282 - SUBSTANDARD BLD - 6/21/2023

STATE OF TEXAS

§

§

COUNTY OF HOWARD

§

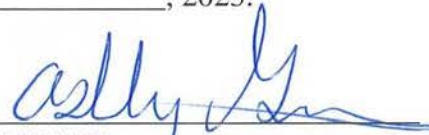
**CERTIFICATION OF
PHOTOGRAPHS BY ASHLEY GUERRA**

“With regard to the photographs in **Exhibits D-4** I am familiar with and recognize the scene depicted in the photographs. On June, 19th, 2023 and July, 5th, 2023, I inspected the property described as:

LT 3 BK 7 LAKEVIEW 50X140 341 0.161 ACRES ACQ 03042020 Big Spring,
Howard County, Texas, also known as **106 Algerita**, Big Spring, Texas.

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

SIGNED on the 3 day of Aug, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 3rd day of August, 2023
by the above referenced Affiant.



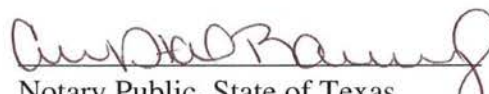

Notary Public, State of Texas

Exhibit D-4



6/19/2023 8:34



6/19/2023 8:34





6/19/2023 8:33







7/ 5/2023 14:38



7/ 5/2023 14:38



7/ 5/2023 14:37





7/ 5/2023 14:38

Exhibit D-5

STATE OF TEXAS

§

§

COUNTY OF HOWARD

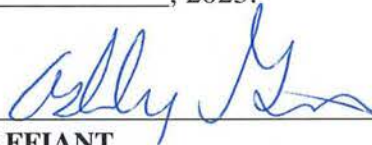
§

**CERTIFICATION
NOTICE SENT BY ASHLEY GUERRA**

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

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

SIGNED on the 3 day of Aug, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 3rd day of AUGUST, 2023
by the above referenced Affiant.



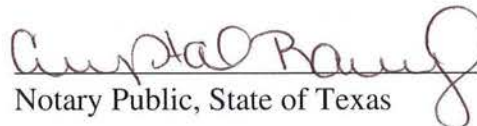

Notary Public, State of Texas

Exhibit D-6



Code Compliance

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

NOTICE OF VIOLATION AND ORDER TO ABATE

106 ALGERITA
Lot: 3 BK: 7 LAKEVIEW

June 21, 2023

Case No: 73165

PHILLIP LESLEY
2104 SPUR AVE
ODESSA TX 79761

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 (OLD FRUNITURE AND TRASH) that need to be removed from public view. This is the only notice you will receive for the next 12 months. If problem persists, criminal charges will be filed.	Seven (7) days from date of mailing

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

Issued by

ASHLEY GUERRA

Name

Code Compliance

Department

432-264-2505

Phone

aguerra@mybigspring.com

E-mail

The City's goal is voluntary compliance.

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Ashley G. Lee". The signature is fluid and cursive, with the first name "Ashley" written in a larger, more prominent script than the last name "Lee".

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

106 ALGERITA
Lot: 3 BK: 7 LAKEVIEW

June 21, 2023

Case No: 73164

PHILLIP LESLEY
2104 SPUR AVE
ODESSA TX 79761

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

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

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

Corrective Action Required	Deadline for Compliance
High weeds and grass, needs to be mowed to the center of the easement including alley and curb line. This is the only notice you will receive for the next 12 months. If problem persists, criminal charges will be filed.	Seven (7) days from date of mailing

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

Issued by

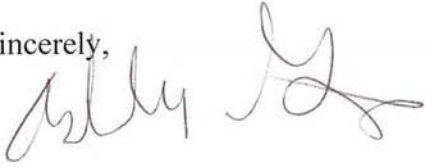
ASHLEY GUERRA
Name

Code Compliance
Department

432-264-2505
Phone

aguerra@mybigspring.com
E-mail

Sincerely,

A handwritten signature in dark ink, appearing to be "J. L. [unclear]", 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 NOTICE OF HEARING

Sent via: Certified Mail; Return Receipt Requested

July 28, 2023

Phillip Don Lesley
106 Algerita
Big Spring, Texas 79720

Phillip Don Lesley
2104 Spur Ave
Odessa, TX 79761

Re: 106 ALGERITA, BIG SPRING, TEXAS 79720
LEGAL DESCRIPTION: LT 3 BK 7 LAKEVIEW 50X140 341 0.161 ACRES ACQ
03042020, 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: 1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings. 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.	Doors not to code. Clearly unsafe for occupancy. Neglected, damaged, dilapidated, and abandoned. Hazardous condition.
304.1.1 UNSAFE CONDITIONS. The following	The roof appears to admit rain and

conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 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 in capable of supporting all nominal loads and resisting all load effects.	has signs of deterioration. Walls need repair. Unsafe condition.
304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.	The roof has defects that admit rain and is not sound and not tight.
304.13. Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.	Windows need to be fixed.

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

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, August 8, 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 D-7



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 **AUGUST 8TH, 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:

201 CHANNING ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: S/27 W/90 OF LT 1 BK 1 ROSEMONT 27X90 060 0.056 ACRES ACQ 062813- OWNER: CURTIS FLEWELLEN

1807 W 3RD ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: PART NW/4 OF SC 32 BK 33 1N 604 ACQ 100307 BLK/TRACT 33 1N 0.466 ACRES – OWNER: JUAN F.VARGAS-GALINDO

500 NW 7TH ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 12 BK 19 BAUER 60X140 537 BLK/TRACT 19 0.193 ACRES– OWNER: JOANN TORRES AND JOE P. TORRES

106 ALGERITA, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 3 BK 7 LAKEVIEW 50X140 341 0.161 ACRES ACQ 03042020– OWNER: PHILLIP DON LESLEY

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

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

1601 HARDING

Code Enforcement Officer: Malissa Garcia

Exhibit E-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:

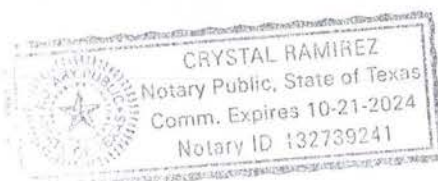
“My name is **Malissa Garcia**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

“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 3 day of August, 2023.

M. Garcia
AFFIANT

SWORN TO AND SUBSCRIBED before me this 3rd day of August, 2023 by the above referenced Affiant.

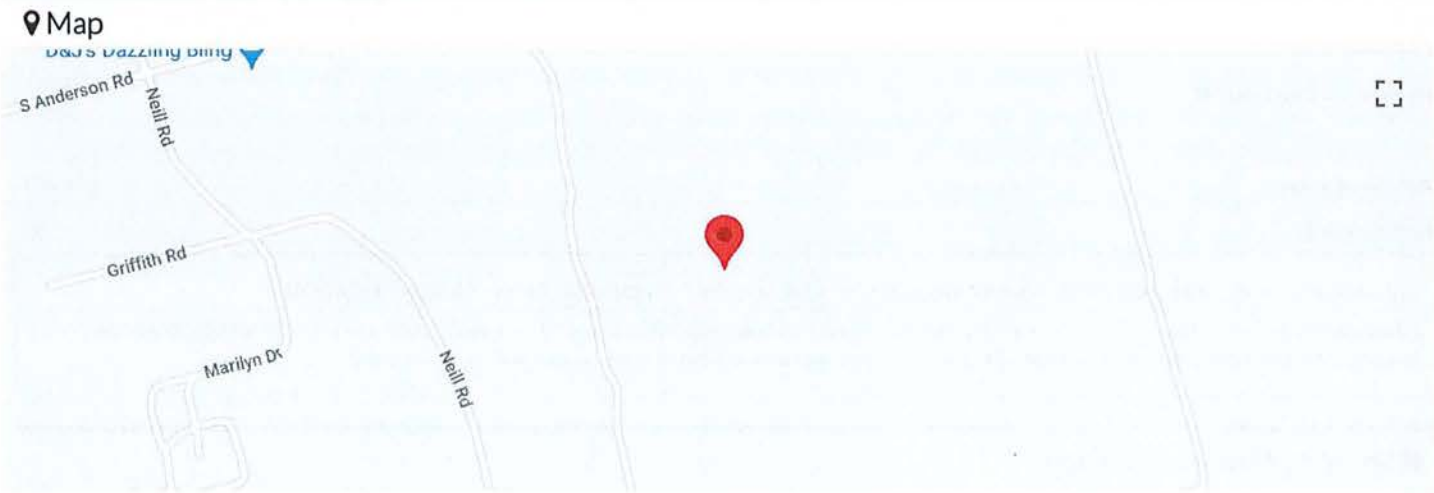


Crystal Ramirez
Notary Public, State of Texas

Exhibit E-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 (+)

Market Value:	\$19,423 (=)
Agricultural Value Loss: ②	\$0 (-)
Appraised Value:	\$19,423 (=)
Homestead Cap Loss: ②	\$0 (-)
Assessed Value:	\$19,423
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: PEREZ ROBERTO D ET UX %**Ownership:** 100.0%

Entity	Description	Tax Rate	Market Value	Taxable Value	Estimated Tax	Freeze Ceiling
01H	HOWARD COUNTY	0.238916	\$19,423	\$19,423	\$46.40	
02B	CITY OF BIG SPRING	0.673163	\$19,423	\$19,423	\$130.75	
03B	BIG SPRING ISD	0.960900	\$19,423	\$19,423	\$186.64	
052	HOWARD COLLEGE	0.168395	\$19,423	\$19,423	\$32.71	

Total Tax Rate: 2.041374

Estimated Taxes With Exemptions: \$396.50

Estimated Taxes Without Exemptions: \$396.50

Property Improvement - Building

Description: RESIDENTIAL **Type:** RESIDENTIAL **State Code:** A1 **Living Area:** 1,288.00sqft **Value:** \$17,135

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
LA	Living Area	RS2F	FET	1959	1,288.00
CPF	COVERED PORCH FRAME	RS2F		1959	104.00
CPF	COVERED PORCH FRAME	RS2F		1959	12.00
STG2F	AVG QUALITY STORAGE FRAME	RS2F		1959	64.00

Property Land

Type	Description	Acreage	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
LFF12	LFF12	0.0000	0.00	52.00		\$2,288	\$0

Property Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap Loss	Assessed
2023	\$17,135	\$2,288	\$0	\$19,423	\$0	\$19,423
2022	\$16,887	\$2,080	\$0	\$18,967	\$0	\$18,967
2021	\$17,068	\$2,080	\$0	\$19,148	\$0	\$19,148
2020	\$11,900	\$2,080	\$0	\$13,980	\$0	\$13,980

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

2020	CITY OF BIG SPRING	\$13,980	\$100.28	\$100.28	\$0.00	\$0.00	\$0.00	\$0.00
2020	BIG SPRING ISD	\$13,980	\$156.07	\$156.07	\$0.00	\$0.00	\$0.00	\$0.00
2020	HOWARD COLLEGE	\$13,980	\$30.29	\$30.29	\$0.00	\$0.00	\$0.00	\$0.00
	2020 Total:		\$328.52	\$328.52	\$0.00	\$0.00	\$0.00	\$0.00
2019	HOWARD COUNTY	\$13,755	\$41.70	\$41.70	\$0.00	\$0.00	\$0.00	\$0.00
2019	CITY OF BIG SPRING	\$13,755	\$102.31	\$102.31	\$0.00	\$0.00	\$0.00	\$0.00
2019	BIG SPRING ISD	\$13,755	\$154.06	\$154.06	\$0.00	\$0.00	\$0.00	\$0.00
2019	HOWARD COLLEGE	\$13,755	\$28.97	\$28.97	\$0.00	\$0.00	\$0.00	\$0.00
	2019 Total:		\$327.04	\$327.04	\$0.00	\$0.00	\$0.00	\$0.00
2018	HOWARD COUNTY	\$14,224	\$46.66	\$46.66	\$0.00	\$0.00	\$0.00	\$0.00
2018	CITY OF BIG SPRING	\$14,224	\$103.74	\$103.74	\$0.00	\$0.00	\$0.00	\$0.00
2018	BIG SPRING ISD	\$14,224	\$176.38	\$176.38	\$0.00	\$0.00	\$0.00	\$0.00
2018	HOWARD COLLEGE	\$14,224	\$33.04	\$33.04	\$0.00	\$0.00	\$0.00	\$0.00
	2018 Total:		\$359.82	\$359.82	\$0.00	\$0.00	\$0.00	\$0.00
2017	HOWARD COUNTY	\$0	\$118.98	\$118.98	\$0.00	\$0.00	\$0.00	\$0.00
2017	CITY OF BIG SPRING	\$0	\$227.77	\$227.77	\$0.00	\$0.00	\$0.00	\$0.00
2017	BIG SPRING ISD	\$0	\$378.44	\$378.44	\$0.00	\$0.00	\$0.00	\$0.00
2017	HOWARD COLLEGE	\$0	\$84.99	\$84.99	\$0.00	\$0.00	\$0.00	\$0.00
	2017 Total:		\$810.18	\$810.18	\$0.00	\$0.00	\$0.00	\$0.00
2016	HOWARD COUNTY	\$0	\$123.04	\$123.04	\$0.00	\$0.00	\$0.00	\$0.00
2016	CITY OF BIG SPRING	\$0	\$220.92	\$220.92	\$0.00	\$0.00	\$0.00	\$0.00
2016	BIG SPRING ISD	\$0	\$391.36	\$391.36	\$0.00	\$0.00	\$0.00	\$0.00
2016	HOWARD COLLEGE	\$0	\$87.75	\$87.75	\$0.00	\$0.00	\$0.00	\$0.00
	2016 Total:		\$823.07	\$823.07	\$0.00	\$0.00	\$0.00	\$0.00
2015	HOWARD COUNTY	\$0	\$107.44	\$107.44	\$0.00	\$0.00	\$0.00	\$0.00
2015	CITY OF BIG SPRING	\$0	\$222.61	\$222.61	\$0.00	\$0.00	\$0.00	\$0.00
2015	BIG SPRING ISD	\$0	\$410.11	\$410.11	\$0.00	\$0.00	\$0.00	\$0.00
2015	HOWARD COLLEGE	\$0	\$72.70	\$72.70	\$0.00	\$0.00	\$0.00	\$0.00
	2015 Total:		\$812.86	\$812.86	\$0.00	\$0.00	\$0.00	\$0.00
2014	HOWARD COUNTY	\$0	\$53.55	\$53.55	\$0.00	\$0.00	\$0.00	\$0.00
2014	CITY OF BIG SPRING	\$0	\$109.72	\$109.72	\$0.00	\$0.00	\$0.00	\$0.00
2014	BIG SPRING ISD	\$0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2014	HOWARD COLLEGE	\$0	\$31.45	\$31.45	\$0.00	\$0.00	\$0.00	\$0.00
	2014 Total:		\$194.72	\$194.72	\$0.00	\$0.00	\$0.00	\$0.00
2013	HOWARD COUNTY	\$0	\$63.76	\$63.76	\$0.00	\$0.00	\$0.00	\$0.00
2013	CITY OF BIG SPRING	\$0	\$108.96	\$108.96	\$0.00	\$0.00	\$0.00	\$0.00
2013	BIG SPRING ISD	\$0	\$0.00	\$0.00	\$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 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 3 day of August, 2023.

M. Garcia
AFFIANT

SWORN TO AND SUBSCRIBED before me this 3rd day of August, 2023

by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit E-3

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION OF
PHOTOGRAPHS BY MALISSA GARCIA**

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

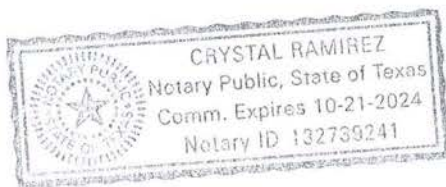
LT 1 BK 1 AVION 52.5X150 441 BLK/TRACT 1 0.179 ACRES Big Spring,
Howard County, Texas, also known as **1601 HARDING**, Big Spring, Texas.

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

SIGNED on the 3 day of August, 2023.

M. Garcia
AFFIANT

SWORN TO AND SUBSCRIBED before me this 3 day of August, 2023
by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit E-4



5/ 4/2023 9:52









5/ 4/2023 9:52



Exhibit E-5

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
NOTICE SENT BY MALISSA GARCIA**

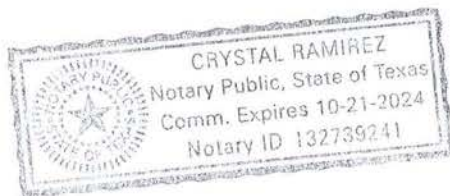
“The document in **Exhibit E-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

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

SIGNED on the 3 day of August, 2023.

M. Garcia
AFFIANT

SWORN TO AND SUBSCRIBED before me this 3rd day of August, 2023
by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit E-6



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



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 28, 2023

Virginia Perez and Estate of Roberto D. Perez
1601 Harding
Big Spring, Texas 79720

Estate of Roberto D. Perez
201 NE 6th Street
Big Spring, Texas 79720

Cristi Uribe
1414 Sycamore Street
Big Spring, Texas 79720

Re: 1601 HARDING, 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.	The roof appears to admit rain and has signs of deterioration. Unsafe condition.

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.	
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:

Demolition and Removal
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, August 8, 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 E-7



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 **AUGUST 8TH, 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:

201 CHANNING ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: S/27 W/90 OF LT 1 BK 1 ROSEMONT 27X90 060 0.056 ACRES ACQ 062813- OWNER: CURTIS FLEWELLEN

1807 W 3RD ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: PART NW/4 OF SC 32 BK 33 1N 604 ACQ 100307 BLK/TRACT 33 1N 0.466 ACRES – OWNER: JUAN F.VARGAS-GALINDO

500 NW 7TH ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 12 BK 19 BAUER 60X140 537 BLK/TRACT 19 0.193 ACRES– OWNER: JOANN TORRES AND JOE P. TORRES

106 ALGERITA, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 3 BK 7 LAKEVIEW 50X140 341 0.161 ACRES ACQ 03042020– OWNER: PHILLIP DON LESLEY

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

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 25, 2023, with the following members present in person:

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

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

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

Open Session

Call to Order

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

Invocation

Bobby Roever, Alive in Christ Luthern Church, gave the invocation.

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

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

Public Comment

Public Comment

One citizen spoke against the SAFER Grant and was not in favor of raising taxes on fixed income citizens.

Public Hearings regarding abatements of public nuisances

MOTION WAS MADE BY Mayor Pro Tem Ornelas to open the below listed public hearings, seconded by Council Member Yanez.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez,	7
Council Member Hughes, Council Member McDonald, Council Member	0
Tompkins, Council Member 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;

Adolfo Muniz - 603 NW 5th Street

Samuel Castro - 1206 NW 7th Street

Richard Earl - 504 E. 16th Street

Announcements, Presentations and Public Hearings

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

The above captioned abatement (1601 Harding) was removed and not considered at this meeting.

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

MOTION WAS MADE BY Council Member Tompkins to table the above captioned

abatement (603 NW 5th St.) until the 2nd Council meeting in August, 2023, seconded by Council Member Hughes.

YEAS: Mayor Moore, Council Member Yanez, Council Member Hughes, 6
Council Member McDonald, Council Member Tompkins, Council Member Smith 1

NAYS: Mayor Pro Tem Ornelas

MOTION PASSED

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

The above captioned abatement (1401 Nolan) was corrected and no action needs to be taken at this time.

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

MOTION WAS MADE BY Mayor Pro Tem Ornelas to abate the above captioned property (1206 NW 7th St.), seconded by Council Member Yanez.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 6
Council Member Hughes, Council Member McDonald, Council Member Smith 1
NAYS: Council Member Tompkins

MOTION PASSED

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

MOTION WAS MADE BY Mayor Moore to abate the above captioned property (504 E. 16th St.), seconded by Council Member Smith.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 6
Council Member Hughes, Council Member McDonald, Council Member Smith 0
NAYS: None 1
ABSTAINED: Council Member Tompkins

MOTION PASSED

MOTION WAS MADE BY Council Member Hughes to close the above captioned public hearings, seconded by Mayor Pro Tem Nick Ornelas.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7
Council Member Hughes, Council Member McDonald, Council Member 0

Tompkins, Council Member Smith
NAYS:0

MOTION PASSED

City Manager's Report

City Manager's report on the following items:

- 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

Todd Darden, City Manager, gave an update on the above captioned items as follows; Large Item Pickup for District 1 picked up 16 tons; Ewaste filled up an 18 wheeler full of electronics; Thanked business's on Main St. for their patience on the street project and it is almost complete; Street striping is complete-crosswalks still need to be completed; Park plaza project next to the Settles Hotel made a change in the project and waiting on a consultant to make final changes; Splash pad contractors are putting up signs; August 4th last day for the aquatic center to be open; Welcomed Peter Gonzales, new Oncor representative.

Consent Items

Approval of the City Council Minutes of the Regular Meeting of July 11, 2023.

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

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

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

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

MOTION WAS MADE BY Council Member McDonald to approve the above captioned minutes, ordinance and resolutions, seconded by Mayor Pro Tem Ornelas.

**YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7
Council Member Hughes, Council Member McDonald, Council Member 0
Tompkins, Council Member Smith
NAYS: None**

MOTION PASSED

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) 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

After a few comments MOTION WAS MADE BY Mayor Moore to approve the above captioned ordinance, seconded by Council Member McDonald.

**YEAS: Mayor Moore, Council Member Hughes, Council Member McDonald, 5
Council Member Tompkins, Council Member Smith 2
NAYS: Mayor Pro Tem Ornelas, Council Member Yanez**

MOTION PASSED

Vouchers

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

Mayor Pro Tem Ornelas reviewed the above captioned vouchers.

MOTION WAS MADE BY Mayor Pro Tem Ornelas to approve the above captioned

vouchers, seconded by Council Member Smith.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7
Council Member Hughes, Council Member McDonald, Council Member 0
Tompkins, Council Member Smith
NAYS: None

MOTION PASSED

Bids

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

MOTION WAS MADE BY Council Member McDonald to award the above captioned bid to Crane Carrier/Battle Motor Company in the amount of \$416,190.00, seconded by Council Member Smith.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7
Council Member Hughes, Council Member McDonald, Council Member 0
Tompkins, Council Member Smith
NAYS: None

MOTION PASSED

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

MOTION WAS MADE BY Council Member Hughes to award the above captioned bid to Texas Water & Soil Co. in the amount of \$2,743,582.30, seconded by Council Member McDonald.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7
Council Member Hughes, Council Member McDonald, Council Member 0
Tompkins, Council Member Smith
NAYS: None

MOTION PASSED

New Business

First Reading of an Ordinance Amending Ordinance Number 038-2022 Which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023 by Increasing the General Fund Budget for the Purpose of the Purchase of a Sanitation Truck; Providing for Severability; Providing for Publication; and Providing an Effective Date

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

YEAS: None 0

NAYS: None

0
MOTION

MOTION WAS MADE BY Council Member Hughes to amend the above captioned ordinance to reflect the Sanitation Fund Budget instead of the General Fund Budget, seconded by Council Member Yanez.

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

7
0

NAYS:0

MOTION PASSED

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

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

7
0

NAYS: None

MOTION

Council Input

Input

Council Member Smith is very grateful for the Fire Department and appreciates each of them and also thanked Todd for looking at the light on Birdwell St.

Council Member Tompkins asks that the staff keep communicating with contractors working on the 100 Blk of Main St. to finish the project.

Council Member McDonald appreciates the Council in times of dealing with difficult situations.

Executive Session

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

MOTION WAS MADE BY Mayor Moore to adjourn into executive session at 6:43 p.m., seconded by Mayor Pro Tem Ornelas.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, 7
Council Member Hughes, Council Member McDonald, Council Member 0
Tompkins, Council Member Smith
NAYS: None

MOTION PASSED

Reconvene into Open Session and Take any Necessary Action on Executive Session Item

Mayor Moore reconvened into open session at 6:52 p.m. and no action was taken.

Adjourn

Mayor Moore adjourned the City Council meeting at 6:54 p.m.

Robert H. Moore III, Mayor

ATTEST:

Tami L. Davis, City Secretary

Minutes of the Board of Director's Regular Meeting
BIG SPRING ECONOMIC DEVELOPMENT CORPORATION
Tuesday, May 16, 2023, 5:15 p.m.
Offices of the Big Spring Economic Development Corporation
215 West Third Street, Big Spring, Texas

The Regular Meeting of the Board of Directors of the Big Spring Economic Development Corporation was called to order at 5:15 p.m. Tuesday, May 16, 2023, in the offices of the Big Spring Economic Development Corporation. The following notice was sent on May 12, 2023, to all Directors, the news media, and duly posted on May 12, 2023, by Teresa Morris in compliance with the Open Meetings Act by posting it on the outside door of the Big Spring Economic Development Corporation and on the inside and outside of City Hall.

"The Board of Directors of the Big Spring Economic Development Corporation will hold a Regular Board Meeting on Tuesday May 16, 2023, at 5:15p.m. in the offices of the Big Spring Economic Development Corporation, 215 West Third Street, Big Spring, Texas. The purpose of the meeting is: Public Comment, Welcome new Board Member Mr. Kevin Armstrong, Action on Minutes of the March 21, 2023, Regular Meeting, Consideration/Action to Approve March and April Investment Report and Financials, Election of Secretary/Treasurer, Consideration/Action to Approve an Engagement Letter from Bolinger, Segars, Gilbert & Moss, LLP for the 2022-2023 Annual Audit, Directors Report, Executive Session, Action as a Result of Executive Session, Board Comment, and Adjourn".

Directors Present:

Mr. Raul Benavides- President
Mr. Cody Williams-Vice President
Ms. Anna Scott
Mr. Kevin Armstrong

Directors Absent:

Staff Present:

Mr. Mark Willis, Ms. Teresa Morris

Guests that signed in:

AGENDA ITEM #1 – Call to Order/Invocation and Pledge:

Mr. Benavides called the meeting to order at 5:17 p.m. Mr. Benavides led the invocation and pledge.

AGENDA ITEM #2- Public Comment:

None

AGENDA ITEM #3- Welcome New Board Member Mr. Kevin Armstrong:

Mr. Benavides introduced Mr. Armstrong as a new member of the Board of Directors.

AGENDA ITEM #4- Action on Minutes of the March 21, 2023, Regular Meeting:

Mr. Benavides presented the Minutes. The motion to accept the Minutes was made by Mr. Williams seconded by Ms. Scott. The motion passed 4 to 0 with all members present voting "aye" in favor of the motion.

ACTION ITEM #5- Consideration/Action to Approve March and April Investment Report and Financials:

Ms. Morris presented the Investment Reports and Financials. Motion to approve the Investment Reports, Financials was made by Mr. Benavides seconded by Mr. Williams. The motion passed 4 to 0 with all members present voting "aye" in favor of the motion.

ACTION ITEM #6- Election of Secretary/Treasurer:

Motion to elect Ms. Scott as Secretary/Treasurer for the 2022-2023 FY year was made by Mr. Benavides seconded by Mr. Armstrong. The motion passed 4 to 0 with all members present voting "aye" in favor of the motion.

ACTION ITEM #7- Consideration/Action to Approve an Engagement Letter from Bolinger, Segars, Gilbert & Moss, LLP for the 2022-2023 Annual Audit:

Mr. Willis presented the Engagement Letter. Motion to approve the Engagement Letter was made by Ms. Scott seconded by Mr. Williams. The motion passed 4 to 0 with all members present voting "aye" in favor of the motion.

ACTION ITEM #8- Directors Report:

Projects: To expedite the contract for Cross Ell Ranch the EDC has had its lawyer create a contract that is now being reviewed by the City Attorney. The Mayor and City staff are now negotiating with the Ryan group on potential incentives the city may consider regarding renovations to four of the buildings the group owns. The contract for sale of the former Ramada Inn/Prison is expected to be ready for signature shortly. The restaurant prospect (Chick-Fil-A) the EDC and City have been working with, accepted the 380 Agreement and is expected to close on the property tomorrow and looking at demolition to begin by the end of the month. The EDC is still talking with several companies considering large renewable and battery storage projects in the County. EDC staff participated in initial meetings concerning the development of property to the east and behind Star Dodge (35 acres).

Meetings: EDC Associate Director attended the High Ground Consultant's Forum. The EDC Director participated in the Howard College Board's special meeting to discuss future developments at Scenic Mountain Hospital. The EDC Director participated in two monthly radio interviews. The EDC Director participated in 7 City staff meetings. The EDC Director participated in four City Council meetings. The EDC Director attended the monthly County leadership meeting in April. The EDC Associate Director attended the monthly County leadership meeting in May. The next regular board meeting will be June 20th.

AGENDA ITEM #9- Executive Session in accordance with Texas Government Code, Section 551.087 to discuss or deliberate regarding prospect activity:

Mr. Benavides adjourned the Board into Executive Session at 5:29 pm., May 16, 2023. Mr. Benavides called the Executive Session to order at 5:30 pm., May 16, 2023. Mr. Benavides adjourned out of executive session at 5:53 pm., May 16, 2023. Mr. Benavides reconvened into open session at 5:54 pm., March 21, 2023.

AGENDA ITEM #7- Action as a Result of Executive Session:

None

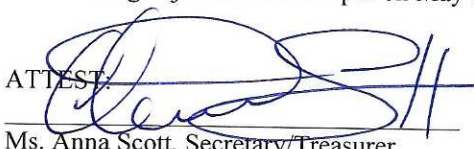
AGENDA ITEM #8- Board Comments:

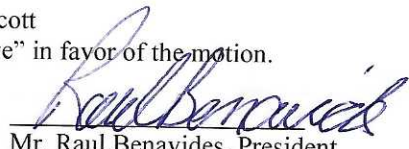
Mr. Armstrong stated that he is looking forward to serving on the Board. The Board welcomed Mr. Armstrong.

AGENDA ITEM #9- Adjourn:

Mr. Armstrong made a motion to adjourn, seconded by Ms. Scott. The motion passed 4 to 0 with all members present voting "aye" in favor of the motion. The meeting adjourned at 5:54 pm on May 16, 2023.

ATTEST:


Ms. Anna Scott, Secretary/Treasurer


Mr. Raul Benavides, President

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 SANITATION 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 Sanitation 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 Sanitation 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

City of Big Spring

Purchasing and Material Control

Memorandum

To: Honorable Mayor, City Council, City Manager

From: Albert Belez, Purchasing Agent

Date: July 18,2023

Subject: Request approval to purchase 1-Ice Machine with storage bin

On Friday, June 21,2023, at the request of the City's Airpark, the City of Big Spring's Purchasing department sought out pricing and availability of 1(one)- Ice Machine with storage bin. The Purchasing department received 3 (three) formal quotes. The lowest submitted quote is in the amount of \$5,022 for the ice machine and storage bin. The submitted quote is from JES Restaurant Equipment of Greenwood, SC.

Of the 3 (three) submitted quotes, the quote from JES Restaurant Equipment is \$251 lower than the second lowest submitted quote and \$862.03 lower than the highest submitted quote. A bid tabulation has been formulated and is attached to help in the decision-making process.

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

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

1-Ice Machine w/ storage bin (Airpark)

Katom	Kodak, TN	\$5,273
Grainger	Midland, TX	\$5,884.03
JES Restaurant Equipment	Greenwood, SC	\$5,022

2023 Governing Body Summary #1A*

Benchmark 2023 Tax Rates

City of Big Spring

Date: 08/04/2023 09:18 AM

DESCRIPTION OF TAX RATE	TAX RATE PER \$100	THIS YEAR'S TAX LEVY**	ADDITIONAL TAX LEVY
No-New-Revenue Tax Rate	\$0.636039	\$8,513,048	
One Percent \$100 Tax Increase***	\$0.642399	\$8,598,173	\$85,125
One Cent per \$100 Tax Increase***	\$0.646039	\$8,646,892	\$133,844
De Minimis Rate	\$0.670429	\$8,973,340	\$460,292
VAR NOT adjusted for Unused Increment Rate	\$0.660897	\$8,845,759	\$332,711
VAR adjusted for Unused Increment Rate	\$0.716457	\$9,589,400	\$1,076,352
Last Year's Tax Rate	\$0.673163	\$9,009,933	\$496,885
Proposed Tax Rate	\$0	\$0	\$-8,513,048

*These figures are provided as estimates of possible outcomes resulting from varying the tax rate. Please be aware that these are only estimates and should not be used alone in making budgetary decisions.

**Tax levies are calculated using line 21 of the No-New-Revenue Tax Rate Worksheet and this year's frozen tax levy on homesteads of the elderly or disabled.

***Tax increase compared to no-new-revenue tax rate.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BIG SPRING, TEXAS, AMENDING THE BIG SPRING CITY CODE CHAPTER 48, "TRAFFIC AND VEHICLES," ARTICLE V, "VEHICLE IMPOUNDMENT," SECTION 48-157 "IMPOUNDMENT AND REDEMPTION FEES," TO INCREASE ADMINISTRATIVE FEES ON A DRIVER OR OWNER OF ANY VEHICLE OR PROPERTY IMPOUNDED PRIOR TO THE RELEASE OF THE VEHICLE FROM \$150.00 TO \$250.00; AND ARTICLE VI, "TOW TRUCKS," SECTION 48-206 "LICENSE AND PERMIT FEES," BY REDUCING THE ANNUAL LICENSE FEE OF TOWING COMPANIES PERFORMING NONCONSENT TOWS TO \$15.00; 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; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, City Council finds it advisable to proceed as follows; and

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

SECTION 1. Chapter 48, "Traffic and Vehicles," Article V, "Vehicle Impoundment," Section 48-157, "Impoundment and Redemption Fees," of the Big Spring City Code, is hereby amended as follows:

A vehicle or other property removed or towed under authorization of this article and/or pursuant to the vehicle impound policy must be kept at the place designated by the chief of police until application for redemption is made by the owner or the owner's authorized agent, who will be entitled to possession of the vehicle upon payment of the costs associated with towing, notification, impoundment and storage. The chief of police shall charge fees for the impoundment and storage of vehicles or other property at the city impound lot as follows:

- (1) The driver or owner of any vehicle or property towed or removed pursuant to this article shall be assessed an administrative fee of \$250.00 ~~\$150.00~~ prior to the release of the vehicle or property to cover the cost to the police department for towing the vehicle and any administrative costs; and
- (2) The driver or owner of the vehicle shall be required to pay, prior to the release of the vehicle or other property, a storage charge of \$20.00 per day for each day, or part of a day, that the vehicle or property is impounded.

SECTION 2. Chapter 48, "Traffic and Vehicles," Article VI, "Tow Trucks," Section 48-206, "License and permit fees," of the Big Spring City Code, is hereby amended as follows:

To cover the cost of any expenses incurred by the city police department in the processing of applications and other administrative services under this article, each tow company that performs nonconsent tows shall pay a license fee of \$15.00 ~~\$100.00~~ per year ~~and each tow company which applies for a rotation permit shall pay a permit fee of \$200.00 per year.~~ All licenses and permits issued hereunder shall expire the first Monday of October of each year at 8:00 a.m. and shall not be prorated.

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

SECTION 3. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 4. 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 5. 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 6. 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 and the penalty for violating the ordinance twice as required by law.

SECTION 7. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 8. This Ordinance shall become effective upon its publication according to law.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the 8th day of August, 2023 with all members of the Council voting “aye” for the passage of same.

PASSED AND APPROVED on second reading at a regular meeting of the City Council on the 22nd day of August, 2023 with all members of the Council voting “aye” for the passage of same.

Robert H. Moore III, Mayor

ATTEST:

Tami L. Davis, City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AMENDING ORDINANCE NUMBER 038-2022 WHICH ADOPTED THE ANNUAL BUDGET FOR THE CITY OF BIG SPRING, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023 BY INCREASING THE AIRPARK FUND BUDGET FOR THE PURPOSE OF PURCHASING AN ICE MACHINE; 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 Airpark did not budget for the ice machine, but has realized that having one available on the Airpark will result in a reduction of staff time and resources, since they currently have to drive to purchasing to get ice.

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 Airpark Fund Budget of the Annual Budget for the City of Big Spring, Texas for the Fiscal Year beginning October 1, 2022 and ending September 30, 2023 is hereby increased by the amount of \$5,100.00 to the capital expense account number 410-021-610-6310 for the purpose of purchasing an ice machine. The net increase will be funded through the fund balance.

SECTION 2. The remaining portions of Ordinance Number 038-2022 shall remain in full force and effect.

SECTION 3. Should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose, the reminder of this ordinance shall not be affected thereby.

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

SECTION 5. The City Secretary is hereby authorized and directed to cause the publication of this ordinance in accordance with law.

SECTION 6. This ordinance shall be in full force and effective from and after its publication as required by law.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **8th** day of **August, 2023** with all members of the Council voting “aye” for the passage of same.

PASSED AND APPROVED on second reading at a regular meeting of the City Council on the **22th** day of **August, 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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF BIG SPRING, TEXAS, AMENDING RESOLUTION 005-2023 AND THE UNDERLYING REAL ESTATE PURCHASE AGREEMENT WITH 3-D DEVELOPMENT, LLC TO REPLACE THE RIGHT OF RE-ENTRY WITH A SURETY BOND; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH THE RESOLUTION WERE DISCUSSED WERE OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; ESTABLISHING AN EFFECTIVE DATE

WHEREAS, A change to the Real Estate Purchase Agreement with 3-D Development, LLC, a Kentucky limited liability company, to replace the right of re-entry with a surety bond would be in the interest of the City; and

WHEREAS, City Council finds it advisable to adopt the following resolution;

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

SECTION 1. City Council authorizes the City Manager to execute the agreement in Exhibit A, “Amendment No. 1 to Real Estate Purchase Agreement” with 3-D Development, LLC, a Kentucky limited liability company, to modify the Real Estate Purchase Agreement, dated April 18, 2023, with 3-D Development, LLC, authorized by Resolution 005-2023.

SECTION 2. All provisions of any resolution in conflict with this Resolution are hereby repealed to the extent they are in conflict. Any remaining portions of said resolutions shall remain in full force and effect.

SECTION 3. Should any section, paragraph, sentence, clause, phrase or word of this Resolution be declared unconstitutional or invalid for any purpose, the remainder of this Resolution shall not be affected thereby.

SECTION 4. 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 5. This Resolution shall become effective immediately.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **8th** day of **August, 2023** with all members of the Council voting “aye” for the passage of same.

PASSED AND APPROVED on second reading at a regular meeting of the City Council on the **22nd** day of **August, 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