



## CITY COUNCIL REGULAR AGENDA

**Tuesday, August 22, 2023**

Notice is hereby given that the City Council of the City of Big Spring, Texas will meet in Regular Session on Tuesday, August 22, 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.

- |                          |       |
|--------------------------|-------|
| 4. <b>Public Comment</b> | Moore |
|--------------------------|-------|

## **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<br>Concerning Abatement of Public Nuisance, at 201<br>CHANNING, BIG SPRING, TEXAS 79720 - LEGAL<br>DESCRIPTION: S/27 W/90 OF LT 1 BK 1 ROSEMONT<br>27X90 060 0.056 ACRES ACQ 062813- OWNER: CURTIS<br>FLEWELLEN                  | 6-43        | Hagen |
| 6. PUBLIC HEARING - Consideration and Possible Action<br>Concerning Abatement of Public Nuisance, at 1807 W 3RD,<br>BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: PART<br>NW/4 OF SC 32 BK 33 1N 604 ACQ 100307 BLK/TRACT 33<br>1N 0.466 ACRES - OWNER: VARGAS GALINDO                  | 44-90       | Hagen |
| 7. PUBLIC HEARING - Consideration and Possible Action<br>Concerning Abatement of Public Nuisance, at 106 ALGERITA<br>, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: LT 3<br>BK 7 LAKEVIEW 50X140 341 0.161 ACRES ACQ 03042020-<br>OWNER: PHILLIP DON LESLEY                            | 91-<br>131  | Hagen |
| 8. PUBLIC HEARING - Consideration and Possible Action<br>Concerning Abatement of Public Nuisance, at 1601<br>HARDING, BIG SPRING, TEXAS 79720 - LEGAL<br>DESCRIPTION: LT 1 BK 1 AVION 525X150 441 BLK/TRACT<br>1 0.179 ACRES - OWNER: VIRGINIA PEREZ AND ESTATE<br>OF ROBERTO D. PEREZ | 132-<br>167 | Hagen |

## **City Manager's Report**

- |                                                                                                                                                                                                                                               |             |        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|--------|
| 9. City Manager's report on the following items: <ul style="list-style-type: none"><li>• Update on Large Item Pickup, District 2</li><li>• City Holiday - September 4, Labor Day</li><li>• Board Members Needed - See Attached List</li></ul> | 168-<br>170 | Darden |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|--------|

## **Consent Items**

- |                                                                                       |             |       |
|---------------------------------------------------------------------------------------|-------------|-------|
| 10. Approval of the City Council Minutes of the Regular Meeting<br>of August 8, 2023. | 171-<br>178 | Davis |
|---------------------------------------------------------------------------------------|-------------|-------|

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |             |             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-------------|
| 11. Acknowledge Receipt of the Big Spring Economic Development Corporation Board of Director's Minutes of the Regular Meeting of July 24, 2023                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 179-<br>180 | Mark Willis |
| 12. Final 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; 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 | 181-<br>182 | Williams    |
| 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 Airpark Fund Budget for the Purpose of Purchasing an Ice Machine; Providing for Severability; Providing for Publication; and Providing an Effective Date                                                                                                                                                                                                                                                                                                                                                                                                            | 183-<br>184 | S. Smith    |
| 14. Final 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                                                                                                                                                                                                                                                                                                                                            | 185-<br>186 | Medina      |

### **Vouchers**

- |                           |               |       |
|---------------------------|---------------|-------|
| 15. Vouchers for 08/10/23 | \$ 901,787.35 | Yanez |
| Vouchers for 08/17/23     | \$ 839,566.34 |       |
| Drafts                    | \$ 808,571.52 |       |

### **New Business**

- |                                                                                                                                                           |     |          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----------|
| 16. Consideration and Possible Action of Placing a Proposal on the September 12, 2023 City Council Agenda to Adopt the De Minimis Tax Rate of \$0.670429. | 187 | S. Smith |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----------|

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| 17. Call for Public Hearing on the Proposed 2023-24 Annual Budget to be Held on Tuesday, September 12, 2023 at 5:30 p.m. in the City Council Chambers Located at 307 East 4th Stree, Big Spring, TX                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | S. Smith                  |
| 18. Call for Public Hearing on the Proposed Tax Rate to be Held on Tuesday, September 12, 2023 at 5:30 p.m. in the City Council Chambers Located at 307 East 4th Street, Big Spring, TX                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | S. Smith                  |
| 19. First Reading of a Resolution Approving a Negotiated Settlement Between the Executive Committee of Cities Served by Atmos West Texas ("Cities") and Atmos Energy Corp., West Texas Division Regarding the Company's 2023 Rate Review Mechanism Filing; Declaring Existing Rates to be Unreasonable; Adopting Tariffs that Reflect Rate Adjustments Consistent with the Negotiated Settlement; Finding the Rates to be Set by the Attached Settlement Tariffs to be Just and Reasonable and in the Public Interest; Approving an Attachment Establishing a Benchmark for Pensions and Retiree Medical Benefits; Requiring the Company to Reimburse Cities' Reasonable Ratemaking Expenses; Determining that this Resolution was Passed in Accordance with the Requirements of the Texas Open Meetings Act; Adopting a Savings Clause; Declaring an Effective Date; and Requiring Delivery of this Resolution to the Company and the Cities' Legal Counsel | 188-<br>190<br><br>Medina |
| 20. Consideration and Possible Action on Extending the Current Mutual of Omaha LTD Contract Aligning with Other Employee Benefits and Awarding a Renewal Date of January 1, 2024 for LTD Insurance to Mutual of Omaha and Authorizing the City Manager or His Designee to Execute any Necessary Documents                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 191<br><br>Medina         |
| 21. Discussion and Possible Action Concerning the Howard County 911 Emergency Communications District to Cast One Vote or Two Votes to Remove One or Two Municipal Members from the Board of Managers, and to Cast One Vote or Two Votes to Appoint One or Two Municipal Members to the Board of Managers.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Hagen                     |

Current Members: Phil Witten & Debra Wallace

### **Council Input**

- |           |       |
|-----------|-------|
| 22. Input | Moore |
|-----------|-------|



## 23. Adjourn

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 18, 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](http://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](mailto:TDAVIS@MYBIGSPRING.COM).

# 201 CHANNING

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 201 CHANNING**

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

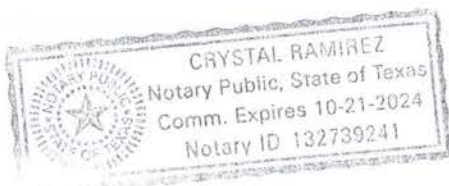
“My name is **Jacob Leos**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

“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 16<sup>th</sup> day of August, 2023.

\_\_\_\_\_  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 16 day of August, 2023 by the above referenced Affiant.



Cynthia Ramirez  
Notary Public, State of Texas

# Exhibit C-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<br>BIG SPRING, TX 79720                                 |                            |
| % Ownership:          | 100.0%                                                           |                            |
| Exemptions:           | For privacy reasons not all exemptions are shown online.         |                            |

## Property Values

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

|                                   |             |
|-----------------------------------|-------------|
| <b>Agricultural Value Loss:</b> ⓘ | \$0 (-)     |
| <b>Appraised Value:</b>           | \$1,069 (=) |
| <b>Homestead Cap Loss:</b> ⓘ      | \$0 (-)     |
| <b>Assessed Value:</b>            | \$1,069     |
| <b>Ag Use Value:</b>              | \$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 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.

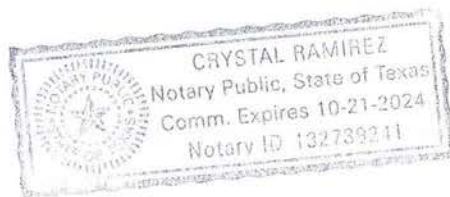
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout 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 16<sup>th</sup> day of August, 2023.

\_\_\_\_\_  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 16 day of August, 2023

by the above referenced Affiant.



Crystal Ramirez  
Notary Public, State of Texas



# Exhibit C-3

06-21-2023 11:31 AM  
TASK #: 116303  
TASK CODE: INSPECT SUBSTANDARD  
PROPERTY: 201 CHANNING

TASK NOTES REPORT

ORIG. DATE:  
DUE DATE:

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

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION OF  
PHOTOGRAPHS BY JACOB LEOS**

“With regard to the photographs in **Exhibits C-4** I am familiar with and recognize the scene depicted in the photographs. On May, 11<sup>th</sup>, 2023 and June, 21<sup>st</sup>, 2023, I inspected the property described as:

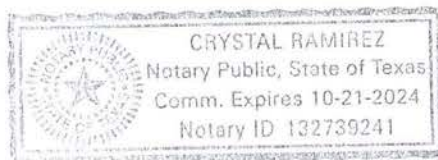
S/27 W/90 OF LT 1 BK 1 ROSEMONT 27X90 060 0.056 ACRES ACQ 062813  
Big Spring, Howard County, Texas, also known as **201 CHANNING**, Big Spring,  
Texas.

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

**SIGNED** on the 16<sup>th</sup> day of August, 2023.

  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 16 day of August, 2023  
by the above referenced Affiant.



  
Notary Public, State of Texas

# Exhibit C-4









5/11/2023 14:49

















6/21/2023 10:45





6/21/2023 10:46















# Exhibit C-5



STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION  
NOTICE SENT BY JACOB LEOS**

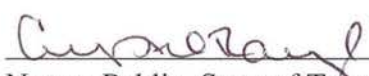
"The document in **Exhibit C-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record."

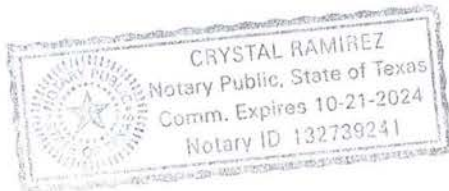
Certified Mail Return for **Exhibit C-6** is also attached.

**SIGNED** on the 16<sup>th</sup> day of August, 2023.

  
\_\_\_\_\_  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 16 day of August, 2023  
by the above referenced Affiant.

  
\_\_\_\_\_  
Notary Public, State of Texas



# Exhibit C-6





## Code Compliance

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

### NOTICE OF VIOLATION AND ORDER TO ABATE 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<br>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<br>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<br>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**

**THE STRUCTURE ON THIS PROPERTY DOES NOT MEET MINIMUM BUILDING STANDARDS. THE STRUCTURE NEEDS TO BE BROUGHT UP TO BUILDING CODE OR DEMOLISHED/REMOVED.**

**Deadline for Compliance**

Seven (7) days from date of mailing

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

Issued by

Jacob Leos

*Name*

Code Compliance

*Department*

432-264-2502

*Phone*

jleos@mybigspring.com

*E-mail*

The City's goal is voluntary compliance.

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

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

**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](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 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:<br>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.<br>6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.<br>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.<br>Hazardous condition. |
| 304.1.1 UNSAFE CONDITIONS. The following                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | The roof appears to admit rain and                                                                                       |



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| <p>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:</p> <p>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.</p> <p>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.</p> | <p>has signs of deterioration. Walls need repair. Unsafe condition.</p>     |
| <p>304.7 Roofs and drainage.</p> <p>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.</p>                                                                                                                                                                                                                                                                                                                                                                                                     | <p>The roof has defects that admit rain and is not sound and not tight.</p> |
| <p>304.13. Window, skylight and door frames.</p> <p>Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>Windows need to be fixed.</p>                                            |

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 4<sup>th</sup> 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](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





## NOTICE OF VIOLATION AND NOTICE OF HEARING

**Sent via: Certified Mail; Return Receipt Requested**

August 11, 2023

Curtis Flewellen  
701 Ohio  
Big Spring, Texas 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:<br>11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.                                                                                      | The building has damage that has not been repaired. The building and portions thereof are severely dilapidated. 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.<br>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.<br>The roof and flashing shall be sound, tight and not have                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | The roof has defects that admit rain and is not sound and not tight.                                                                 |

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

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

**Corrective Action Sought by Code Compliance**

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

Demolish and Remove  
of structure(s).

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

Issued by

Malissa Garcia

*Name*

Code Enforcement Officer

*Title*

+1 (432) 264-2506

*Phone*

mgarcia@mybigspring.com

*E-mail*

*The City's goal is voluntary compliance.*

**FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE.** Failure to take 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 22, 2023** at the City Council Chambers located at **307 E 4<sup>th</sup> 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.

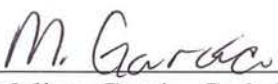
**NOTICE TO EMPLOYEE OF OWNER:** If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code,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



## Code Enforcement

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217 E 3<sup>rd</sup> 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 22<sup>nd</sup>, 2023, AT 5:30 P.M., IN THE CITY OF BIG SPRING COUNCIL CHAMBERS AT 307 E 4<sup>th</sup> 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 3<sup>RD</sup> 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

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

603 NW 5 TH ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LESS S/131'W/2 OF LT 17 BK 99 ORIGINAL TOWN 51X85 0183 0.1 ACRES AQU 1102014– OWNER: SANDRA J FIERRO MUNIZ

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:

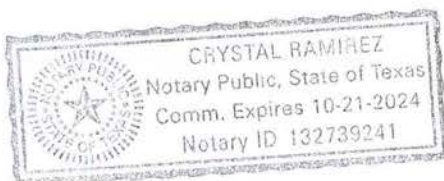
“My name is **Ashley Guerra**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

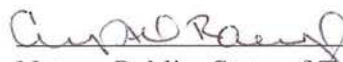
“I am a Code Compliance Official for the City of Big Spring, Texas. In the course of my duties, I inspect properties for compliance with Texas state law and the ordinances of the City of Big Spring. I am an employee of the City of Big Spring and am familiar with the manner in which its records are created 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 14 day of August, 2023.

  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 16 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

|                                        |              |
|----------------------------------------|--------------|
| <b>Improvement Homesite Value:</b>     | \$0 (+)      |
| <b>Improvement Non-Homesite Value:</b> | \$21,438 (+) |
| <b>Land Homesite Value:</b>            | \$15,950 (+) |
| <b>Land Non-Homesite Value:</b>        | \$0 (+)      |
| <b>Agricultural Market Valuation:</b>  | \$0 (+)      |
| <b>Market Value:</b>                   | \$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

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COUNTY OF HOWARD

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**CERTIFICATION  
1807 W 3RD CASE NOTES**

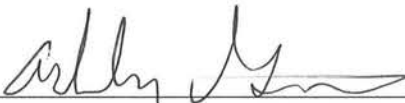
“This record, attached as **Exhibit B-3**, was made at or near the time by – or from information transmitted by a person or persons with the City with knowledge.

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.

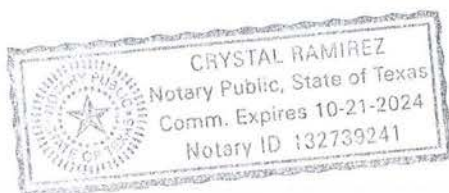
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout 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 16 day of August, 2023.

  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 16 day of August, 2023

by the above referenced Affiant.



  
Notary Public, State of Texas

# Exhibit B-3



NOTES

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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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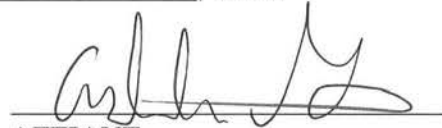
**CERTIFICATION OF  
PHOTOGRAPHS BY ASHLEY GUERRA**

“With regard to the photographs in **Exhibits B-4** I am familiar with and recognize the scene depicted in the photographs. On 6, 19, 2023 and 6, 30, 2023, I inspected the property described as:

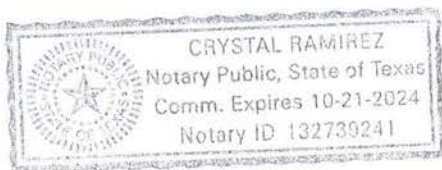
PART NW/4 OF SC 32 BK 33 1N 604 ACQ 100307 BLK/TRACT 33 1N 0.466  
ACRES Big Spring, Howard County, Texas, also known as **1807 W 3RD**, Big  
Spring, Texas.

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

**SIGNED** on the 14 day of August, 2023.

  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 16 day of AUGUST, 2023  
by the above referenced Affiant.



  
Notary Public, State of Texas



# Exhibit B-4













6/19/2023 8:25









6/19/2023 8:25













6/30/2023 14:07





6/30/2023 14:07





6/30/2023 14:09









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**

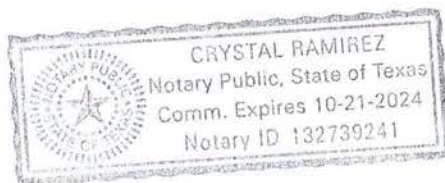
“The document in **Exhibit B-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

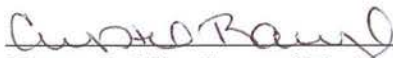
Certified Mail Return for **Exhibit B-6** is also attached.

**SIGNED** on the 16 day of August, 2023.

  
AFFIANT

**SWORN TO AND SUBSCRIBED** before me this 16 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<br>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             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| <b>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.</b> | 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](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<br>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](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.", with a stylized flourish at the end.

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

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:<br>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.<br>6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.<br>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.<br>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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                     |
| <p>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:</p> <p>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.</p> <p>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.</p> | The roof appears to admit rain and has signs of deterioration. Walls need repair. Unsafe condition. |
| <p>304.7 Roofs and drainage.</p> <p>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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                              | The roof has defects that admit rain and is not sound and not tight.                                |
| <p>304.13. Window, skylight and door frames.</p> <p>Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 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 4<sup>th</sup> 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.



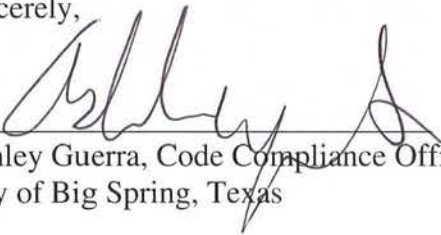
**NOTICE TO EMPLOYEE OF OWNER:** If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code,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





## NOTICE OF VIOLATION AND NOTICE OF HEARING

Sent via: Certified Mail; Return Receipt Requested

August 11, 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**

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| 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:<br>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.<br>6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.<br>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.<br>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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                     |
| <p>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:</p> <p>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.</p> <p>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.</p> | The roof appears to admit rain and has signs of deterioration. Walls need repair. Unsafe condition. |
| <p>304.7 Roofs and drainage.</p> <p>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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                              | The roof has defects that admit rain and is not sound and not tight.                                |
| <p>304.13. Window, skylight and door frames.</p> <p>Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 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

Malissa Garcia

*Name*

Code Compliance Official

*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 22, 2023**, at the City Council Chambers located at **307 E 4<sup>th</sup> 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](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 Compliance Official  
City of Big Spring, Texas

# Exhibit B-7





## Code Enforcement

---

217 E 3<sup>rd</sup> 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 22<sup>nd</sup>, 2023, AT 5:30 P.M., IN THE CITY OF BIG SPRING COUNCIL CHAMBERS AT 307 E 4<sup>th</sup> 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 3<sup>RD</sup> 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

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

603 NW 5 TH ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LESS S/131'W/2 OF LT 17 BK 99 ORIGINAL TOWN 51X85 0183 0.1 ACRES AQU 1102014– OWNER: SANDRA J FIERRO MUNIZ

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

§

§

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:

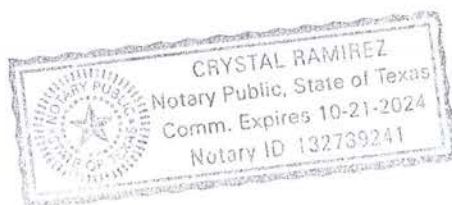
“My name is **Ashley Guerra**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

“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 16 day of August, 2023.

  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 16 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<br>ODESSA, TX 79761                        |                            |
| % Ownership:          | 100.0%                                                   |                            |
| Exemptions:           | For privacy reasons not all exemptions are shown online. |                            |

## Property Values

|                                        |             |
|----------------------------------------|-------------|
| <b>Improvement Homesite Value:</b>     | \$0 (+)     |
| <b>Improvement Non-Homesite Value:</b> | \$1,684 (+) |
| <b>Land Homesite Value:</b>            | \$0 (+)     |
| <b>Land Non-Homesite Value:</b>        | \$2,200 (+) |
| <b>Agricultural Market Valuation:</b>  | \$0 (+)     |
| <b>Market Value:</b>                   | \$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

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§

COUNTY OF HOWARD

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**CERTIFICATION**  
**106 Algerita CASE NOTES**

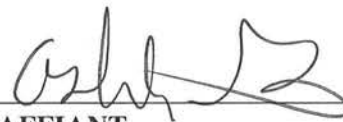
“This record, attached as **Exhibit D-3**, was made at or near the time by – or from information transmitted by a person or persons with the City with knowledge.

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.”

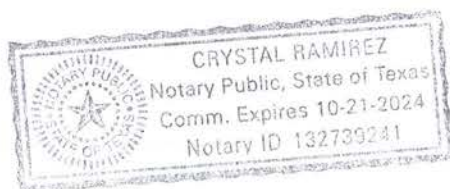
SIGNED on the 16 day of August, 2023.

  
AFFIANT

SWORN TO AND SUBSCRIBED before me this 16 day of August, 2023

by the above referenced Affiant.

  
Notary Public, State of Texas





# Exhibit D-3

07-11-2023 11:11 AM  
INCIDENT #: 73168  
INCIDENT CODE: 300-0002 SUBSTND BLD  
PROPERTY: 106 ALGERITA

INCIDENT NOTES REPORT

ORIG. DATE:

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

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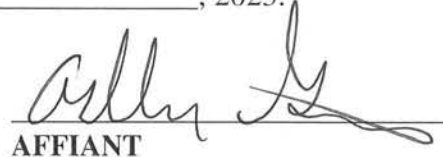
**CERTIFICATION OF  
PHOTOGRAPHS BY ASHLEY GUERRA**

“With regard to the photographs in **Exhibits D-4** I am familiar with and recognize the scene depicted in the photographs. On 4, 19, 2023 and 7, 5, 2023, I inspected the property described as:

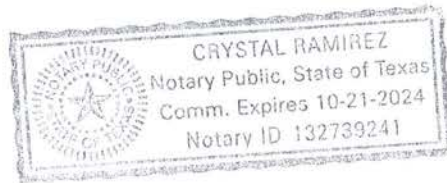
LT 3 BK 7 LAKEVIEW 50X140 341 0.161 ACRES ACQ 03042020 Big Spring,  
Howard County, Texas, also known as **106 Algerita**, Big Spring, Texas.

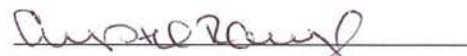
Each of the photographs is a fair and accurate depiction of the scene at the relevant time.”

**SIGNED** on the 16 day of August, 2023.

  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 16 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

















7/ 5/2023 14:38





7/ 5/2023 14:38





7/ 5/2023 14:38





7/ 5/2023 14:37





7/ 5/2023 14:37





7/ 5/2023 14:38



# Exhibit D-5



STATE OF TEXAS

§

COUNTY OF HOWARD

§

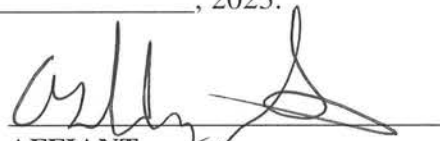
§

**CERTIFICATION  
NOTICE SENT BY ASHLEY GUERRA**

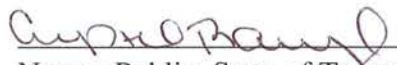
“The document in **Exhibit D-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

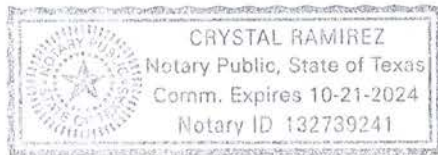
Certified Mail Return for **Exhibit D-6** is also attached.

**SIGNED** on the 16 day of August, 2023.

  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 16 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<br>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             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| <b>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.</b> | 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](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](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 cursive script, appearing to read "Ashley G. 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<br>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. H.", 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:<br>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.<br>6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.<br>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                                                                                    |



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| <p>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:</p> <p>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.</p> <p>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.</p> | <p>has signs of deterioration. Walls need repair. Unsafe condition.</p>     |
| <p>304.7 Roofs and drainage.</p> <p>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.</p>                                                                                                                                                                                                                                                                                                                                                                                                     | <p>The roof has defects that admit rain and is not sound and not tight.</p> |
| <p>304.13. Window, skylight and door frames.</p> <p>Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>Windows need to be fixed.</p>                                            |

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Ashley Guerra', written over a horizontal line.

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





## NOTICE OF VIOLATION AND NOTICE OF HEARING

Sent via: Certified Mail; Return Receipt Requested

August 11, 2023

Phillip Don Lesley  
106 Algerita  
Big Spring, Texas 79720

Phillip Don Lesley  
2104 Spur Ave  
Odessa, Texas 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:<br>11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public. | The building has damage that has not been repaired. The building and portions thereof are severely dilapidated. 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.<br>Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without            | The roof appears to admit rain and has signs of deterioration. Unsafe condition.                                                     |

|                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| proper anchorage and in capable of supporting all nominal loads and resisting all load effects.                                                                                                                                                                                                                                                                                                                          |                                                                      |
| 304.7 Roofs and drainage.<br>The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance. | The roof has defects that admit rain and is not sound and not tight. |

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

### **Corrective Action Sought by Code Compliance**

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

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

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

Issued by

Malissa Garcia

*Name*

Code Compliance Official

*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 22, 2023** at the City Council Chambers located at **307 E 4<sup>th</sup> 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](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 Compliance Official  
City of Big Spring, Texas



# Exhibit D-7



## Code Enforcement

217 E 3<sup>rd</sup> 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 22<sup>nd</sup>, 2023, AT 5:30 P.M., IN THE CITY OF BIG SPRING COUNCIL CHAMBERS AT 307 E 4<sup>th</sup> 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 3<sup>RD</sup> 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

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

603 NW 5 TH ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LESS S/131'W/2 OF LT 17 BK 99 ORIGINAL TOWN 51X85 0183 0.1 ACRES AQU 1102014– OWNER: SANDRA J FIERRO MUNIZ

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 A-1



STATE OF TEXAS

§  
§  
§

COUNTY OF HOWARD

**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:

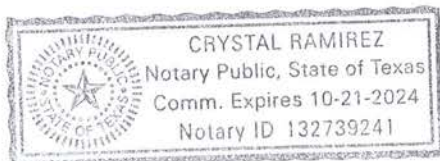
“I am a Code Enforcement Officer for the City of Big Spring, Texas. In the course of my duties, I inspect properties for compliance with Texas state law and the ordinances of the City of Big Spring. I am an employee of the City of Big Spring and am familiar with the manner in which its records are created 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 16 day of August, 2023.

M. Garcia  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 16 day of August, 2023 by the above referenced Affiant.

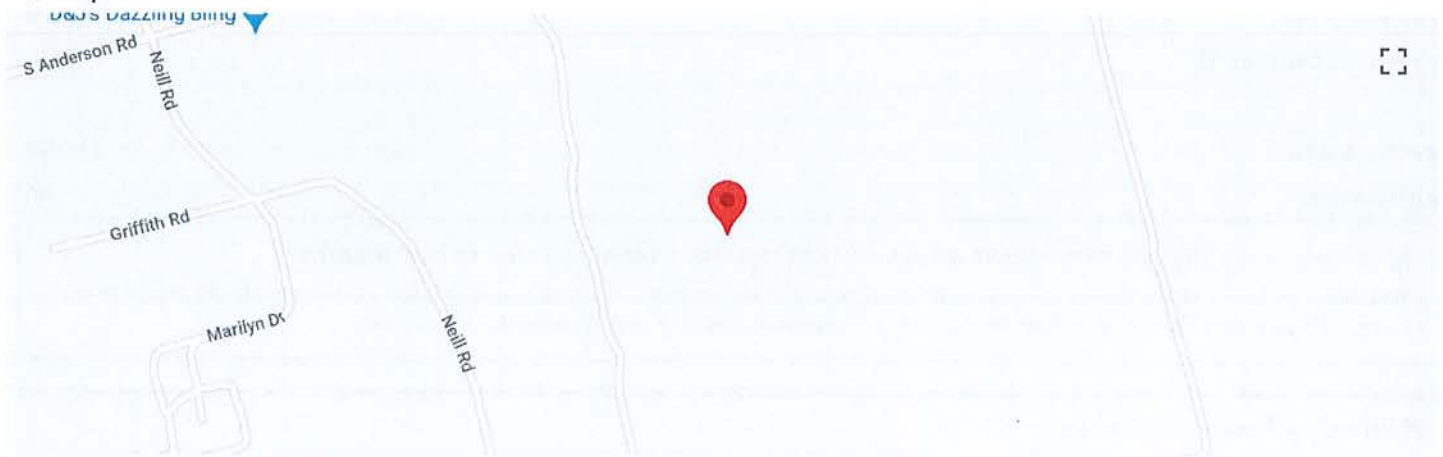
Crystal Ramirez  
Notary Public, State of Texas



# Exhibit A-2



## Map



## 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<br><br>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: ⓘ | \$0 (-)      |
| Appraised Value:           | \$19,423 (=) |
| Homestead Cap Loss: ⓘ      | \$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 |
|-----------|------|-------------|---------|---------|--------|------|--------|
|-----------|------|-------------|---------|---------|--------|------|--------|

## 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        |
|      | <b>2023 Total:</b>  |               | 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     |
|      | <b>2022 Total:</b>  |               | \$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     |
|      | <b>2021 Total:</b>  |               | \$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 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.

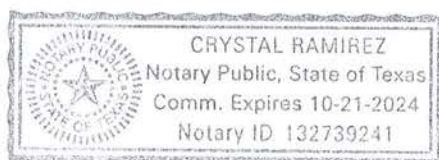
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout 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 16 day of August, 2023.

M. Garcia  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 16 day of August, 2023

by the above referenced Affiant.



Crystal Ramirez  
Notary Public, State of Texas



# Exhibit A-3

STATE OF TEXAS

§

§

COUNTY OF HOWARD

§

**CERTIFICATION OF  
PHOTOGRAPHS BY MALISSA GARCIA**

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

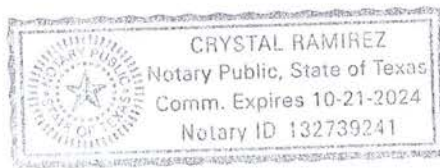
LT 1 BK 1 AVION 52.5X150 441 BLK/TRACT 1 0.179 ACRES Big Spring,  
Howard County, Texas, also known as **1601 HARDING**, Big Spring, Texas.

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

SIGNED on the 16 day of August, 2023.

M Garcia  
AFFIANT

**SWORN TO AND SUBSCRIBED** before me this 16 day of August, 2023  
by the above referenced Affiant.



Crystal Ramirez  
Notary Public, State of Texas



# Exhibit A-4



5/ 4/2023 9:52

















5/ 4/2023 9:52





5/ 4/2023 9:52

# Exhibit A-5



STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION  
NOTICE SENT BY MALISSA GARCIA**

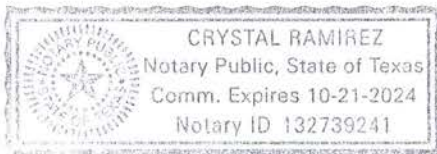
“The document in **Exhibit A-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

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

**SIGNED** on the 16 day of August, 2023.

M. Garcia  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me this 16 day of August, 2023  
by the above referenced Affiant.



Crystal Ramirez  
Notary Public, State of Texas

# Exhibit A-6





## NOTICE OF VIOLATION AND NOTICE OF HEARING

Sent via: Certified Mail; Return Receipt Requested

July 14, 2023

Roberto Perez  
201 NE 6<sup>TH</sup> 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:<br>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.<br>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.<br>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.<br>The roof and flashing shall be sound, tight and not have                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | The roof has defects that admit rain and is not sound and not tight.                         |

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

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

**Corrective Action Sought by Code Compliance**

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

Demolish and Remove  
of structure(s).

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

Issued by

Malissa Garcia

*Name*

Code Enforcement Officer

*Title*

+1 (432) 264-2506

*Phone*

mgarcia@mybigspring.com

*E-mail*

*The City's goal is voluntary compliance.*

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

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

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

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



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

The City Council will serve as the Hearing Board for your case. The hearing is scheduled for **5:30 PM, July 25, 2023** at the City Council Chambers located at **307 E 4<sup>th</sup> 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](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





## 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:<br>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.<br>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.<br>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 4<sup>th</sup> 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.

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**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](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

August 11, 2023

Roberto Perez  
201 NE 6<sup>TH</sup> ST  
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:<br>11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.                                                                                          | The building has damage that has not been repaired. The building and portions thereof are severely dilapidated. 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.<br>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 is not capable of supporting all nominal loads and resisting all load effects. | The roof appears to admit rain and has signs of deterioration.<br>Unsafe condition.                                                  |
| 304.7 Roofs and drainage.<br>The roof and flashing shall be sound, tight and not have                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | The roof has defects that admit rain and is not sound and not tight.                                                                 |

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

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

**Corrective Action Sought by Code Compliance**

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

Demolish and Remove  
of structure(s).

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

Issued by

Malissa Garcia

*Name*

Code Enforcement Officer

*Title*

+1 (432) 264-2506

*Phone*

mgarcia@mybigspring.com

*E-mail*

*The City's goal is voluntary compliance.*

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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 22, 2023** at the City Council Chambers located at **307 E 4<sup>th</sup> 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](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 A-7



## Code Enforcement

217 E 3<sup>rd</sup> 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 22<sup>nd</sup>, 2023, AT 5:30 P.M.**, IN THE CITY OF BIG SPRING COUNCIL CHAMBERS AT 307 E 4<sup>th</sup> 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 3<sup>RD</sup> 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**

**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**

**603 NW 5 TH ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LESS S/131'W/2 OF LT 17 BK 99 ORIGINAL TOWN 51X85 0183 0.1 ACRES AQU 1102014– OWNER: SANDRA J FIERRO MUNIZ**

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



Highlighted names have expired as of 9/30/22.  
Highlighted names will expire on 9/30/23.



**Board Name:** **Term** **Expires**

McMAHON/WRINKLE AVIATION

ADVISORY BOARD Three Years 09-30-XX

| Name               | Appointed  | Reappointed | Term Expires | District |
|--------------------|------------|-------------|--------------|----------|
| Johnathan Ray      | 10/11/2022 |             | 9/30/2023    | 1        |
| Adriel Saldivar    | 7/12/2022  |             | 9/30/2024    | 2        |
|                    |            |             |              | 3        |
| Joseph Harrison    | 3/14/2023  |             | 9/30/2024    | 4        |
| Russ Rutledge      | 4/25/2023  |             | 9/30/2025    | 5        |
| Steven Boatenhamer | 5/9/2023   |             | 9/30/2024    | 6        |
|                    |            |             |              | Mayor    |

Two (2) openings - Districts 3 and Mayor

**Board Name:** **Term** **Expires**

BOARD OF ADJUSTMENTS & APPEALS

Three Years 09-30-XX

| Name                                | Appointed | Reappointed | Term Expires | District |
|-------------------------------------|-----------|-------------|--------------|----------|
| John Flores (Construction Field)    | 11/9/2021 |             | 9/30/2023    | 1        |
| Rosie Franco                        | 1/11/2022 |             | 9/30/2024    | 2        |
|                                     |           |             |              | 3        |
| Dale Coates (Mechanical Contractor) | 2/22/2005 | 9/24/2019   | 9/30/2022    | 5        |
| Tommy Corwin (Construction Field)   | 2/22/2005 | 9/24/2019   | 9/30/2022    | 5        |
| Richard Wright(Construction Field)  | 2/22/2005 | 9/24/2019   | 9/30/2022    | 5        |
| Walter Brumley, Jr.(Electrician)    | 9/26/2017 | 9/8/2020    | 9/30/2023    | 6        |

Four (4) openings - Need Districts 3, 4, 5 and Mayor.

**Board Name:** **Term** **Expires**

PLANNING & ZONING COMMISSION

Three Years 09-30-XX

| Name                     | Appointed  | Reappointed | Term Expires | District |
|--------------------------|------------|-------------|--------------|----------|
| Dale Avant               | 9/24/2013  | 10/11/2022  | 9/30/2023    | 1        |
| TJ (Thomas Jesse)Stewart | 7/13/2021  |             | 9/30/2024    | 2        |
|                          |            |             |              | 3        |
| Kelley Owens             | 9/26/2017  | 9/8/2020    | 9/30/2023    | 4        |
| Kevan Schooler           | 9/26/2017  | 9/8/2020    | 9/30/2023    | 5        |
| Aubrey Weaver, Jr        | 9/24/2013  | 9/24/2019   | 9/30/2022    | 6        |
| Terry McDaniel           | 10/25/2022 |             | 9/30/2025    | Mayor    |

Two (2) openings - Need Districts 3 and 6.

**Board Name:**

ZONING BOARD OF ADJUSTMENTS

**Term**

Three Years

**Expires**

09-30-XX

| Name              | Appointed  | Reappointed | Term Expires | District |
|-------------------|------------|-------------|--------------|----------|
| Debbie Ramirez    | 7/12/2022  |             | 9/30/2023    | 1        |
| Julie Ramirez     | 7/12/2022  |             | 9/30/2024    | 2        |
| Carrie Rodman     | 9/24/2013  | 10/25/2022  | 9/30/2023    | 3        |
| Sherry Wiggington | 11/9/2021  |             | 9/30/2024    | 4        |
| Veronica Zuniga   | 11/9/2021  | 12/13/2022  | 9/30/2025    | 5        |
| Mark Sheedy       | 8/9/2022   |             | 9/30/2024    | 6        |
| Jeanie Knocke     | 10/26/2021 | 10/25/2022  | 9/30/2025    | Mayor    |

**Board Name:**

ALTERNATES

ZONING BOARD OF ADJUSTMENTS

**Term**

Three Years

**Expires**

09-30-XX

| Name            | Appointed | Reappointed | Term Expires | District |
|-----------------|-----------|-------------|--------------|----------|
| Maria Padilla   | 3/22/2022 |             | 9/30/2023    | 1        |
| Jose Olivias    | 5/23/2023 |             | 9/30/2024    | 2        |
|                 |           |             |              | 3        |
| Jan Hansen      | 7/12/2022 |             | 9/30/2024    | 4        |
|                 |           |             |              | 5        |
| April Gutierrez | 6/14/2022 |             | 9/30/2024    | 6        |
|                 |           |             |              | Mayor    |

Four (4) openings - Need Districts 3, 5 &amp; Mayor.

**Board Name:**ANIMAL RESCUE AND ADOPTION  
COMMITTEE**Term****Expires**

09-30-XX

| Name             | Appointed | Reappointed | Term Expires | District |
|------------------|-----------|-------------|--------------|----------|
| Amanda Williams  | 8/10/2021 |             | 9/30/2023    | 1        |
| Julia Hartman    | 7/13/2021 |             | 9/30/2024    | 2        |
| Amy French       | 1/11/2022 |             | 9/30/2023    | 3        |
| Jeff Lane        | 4/11/2023 |             | 9/30/2024    | 4        |
| Brittany Hankins | 7/28/2021 |             | 9/30/2022    | 5        |
|                  |           |             |              | 6        |
|                  |           |             |              | Mayor    |

Three (3) openings - Need Districts 5, 6 &amp; Mayor.



**Board Name:**BIG SPRING ECONOMIC DEVELOPMENT  
CORPORATION**Term**

Three Years

**Expires**

09-30-XX

| Name            | Appointed  | Reappointed | Term Expires | District |
|-----------------|------------|-------------|--------------|----------|
| Cody Williams   | 10/26/2021 |             | 9/30/2023    | 1        |
| Anna Scott      | 12/13/2022 |             | 9/30/2024    | 2        |
|                 |            |             |              | 3        |
| Raul Benavides  | 9/27/2022  | 9/27/2022   | 9/30/2025    | 4        |
|                 |            |             |              | 5        |
| Kevin Armstrong | 5/9/2023   |             | 9/30/2024    | 6        |
|                 |            |             |              | Mayor    |

Three (3) openings - Need Districts 3, 5 &amp; Mayor.

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, August 8, 2023, with the following members present in person:

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

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

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

### Open Session

Call to Order

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

Invocation

**Peter Sullivan gave the invocation.**

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

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



## Public Comment

### **Public Comment**

Devvy Kidd reported that she has been handing out fliers and spreading the word for the Adoption Coordinator position. Also Ms. Kidd asked the staff if it would be possible to install some signs to slow down traffic going into the Kentwood area.

Matthew Grayson reported some issues with the city website and reported several times thru the website regarding some code enforcement problems and gave Nick Renya a notebook and a map of the problem areas he has concerns over.

### **Public Hearings regarding abatements of public nuisances**

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

|                                                                        |          |
|------------------------------------------------------------------------|----------|
| <b>YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez,</b> | <b>7</b> |
| <b>Council Member Hughes, Council Member McDonald, Council Member</b>  | <b>0</b> |
| <b>Tompkins, Council Member Smith</b>                                  |          |
| <b>NAYS: None</b>                                                      |          |

**MOTION PASSED**

Andrew Hagen, City Attorney, explained that the notices were not posted on each property regarding the below listed abatements and these abatement hearings would need to be placed on the next City Council agenda for August 22, 2023 except for the property located at 500 NW 7th Street and the owner was present and would like to proceed with the public hearing.

### **Announcements, Presentations and Public Hearings**

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

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

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

**MOTION WAS MADE BY Mayor Pro Tem Ornelas to abate the above captioned property (500 NW 7th St.), 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**

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

**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**

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

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

**The above listed abatements were pulled from this agenda and will be considered at the next City Council Meeting on August 22, 2023.**

#### City Manager's Report

City Manager's report on the following items:

- 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



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

### Consent Items

Approval of the City Council Minutes of the Regular Meeting of July 25, 2023.

Acknowledge Receipt of the Big Spring Economic Development Board Minutes for the Regular Meeting of May 16, 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 Sanitation 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 McDonald to approve the above captioned minutes and ordinance, seconded by Council Member Hughes.**

**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**

### Vouchers

Vouchers for 07/28/23   \$    356,862.92  
Drafts                         \$    669,337.90

Vouchers for 08/03/23   \$    802,203.98

**Mayor Pro Tem Ornelas reviewed all of the above listed vouchers.**

**MOTION WAS MADE BY Mayor Pro Tem Ornelas to approve the above listed vouchers, 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**

### Bids

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

**MOTION WAS MADE BY Council Member Hughes to award the above captioned**

bid to JES Restaurant Equipment in the amount of \$5,022.00, 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

Consideration and Possible Action to Accept a Donation from Crossroad Housing to the Bert Andries Park Splash Pad

**MOTION WAS MADE BY Council Member Hughes to accept the above captioned donation in the amount of \$30,000, 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**

Discussion Regarding the Tax Rate for 2023-24 Fiscal Year

**Sandy Smith, Finance Director, explained the 2023 property tax rate estimates received from the Howard County Tax Office and that the city is proposing to use the De Minimis Rate of \$0.670429. No action was necessary.**

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; 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

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

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**

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

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

|                                                                        |          |
|------------------------------------------------------------------------|----------|
| <b>YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez,</b> | <b>7</b> |
| <b>Council Member Hughes, Council Member McDonald, Council Member</b>  | <b>0</b> |
| <b>Tompkins, Council Member Smith</b>                                  |          |

**NAYS: None**

**MOTION PASSED**

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

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

|                                                                        |          |
|------------------------------------------------------------------------|----------|
| <b>YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez,</b> | <b>7</b> |
| <b>Council Member Hughes, Council Member McDonald, Council Member</b>  | <b>0</b> |
| <b>Tompkins, Council Member Smith</b>                                  |          |

**NAYS: None**

**MOTION PASSED**

### Council Input

#### Input

Mayor Pro Tem Ornelas thanked Bubbles and Hayley for all their hard work on the water park - and the event last weekend. North Side Movement will have their End of Summer event on Saturday at Ryan Hall and thanked everyone for the generous donations.

Council Member Yanez wanted to remind her constituents of the large item pickup for District 2 and call City Hall to be put on the schedule. Crossroads Housing is sponsoring a Helping Hand Program to low income citizens and must fill out an application to be eligible. Contact her if anyone has any questions.

Council Member Tompkins expressed concerns with the amount of workload on legal and code enforcement and vendors that are keeping up with the abatements.

Council Member Smith wanted to clarify a statement that he made a couple of meetings back when he said that Council Member Hughes bought mattresses for the Fire

Stations and it was the North Side Movement. Also the North Side Movement has plenty of bikes and they need balls and gloves and plastic toys and anyone interested needs to reach out to Nati Saldivar.

#### 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).

**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 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.

**MOTION WAS MADE BY Mayor Pro Tem Ornelas to adjourn into the above captioned executive sessions at 6:21 p.m., 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**

**Reconvene** into Open Session and Take any Necessary Action on Executive Session Items

**Reconvened into open session at 6:41 p.m.**

**MOTION WAS MADE BY Mayor Moore regarding the executive session on Jake Tiner Construction to settle the Tiner lawsuit for \$100,000.00 on condition that the City Manager approve the final settlement document, seconded by Council Member Hughes.**

**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**

**MOTION WAS MADE BY Mayor Moore regarding the executive session on properties located at 406 & 408 Nolan Street authorizing the City Manager to sell the properties for the amount of the delinquent taxes along with any other fees associated with the sell, 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**

### **Adjourn**

**Mayor Moore adjourned the City Council meeting at 6:46 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**  
**Monday July 24, 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. Monday July 24, 2023, in the offices of the Big Spring Economic Development Corporation. The following notice was sent on July 21, 2023, to all Directors, the news media, and duly posted on July 21, 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 Monday, July 24, 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, Action on Minutes of the May 16, 2023, Regular Meeting, Consideration/Action to Approve May and June Investment Report and Financials 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 5:15 p.m. Mr. Benavides led the invocation and pledge.

**AGENDA ITEM #2- Public Comment:**

None

**AGENDA ITEM #3- Action on Minutes of the May 16, 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 #4- Consideration/Action to Approve May and June Investment Report and Financials:**

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

**ACTION ITEM #5- Consideration/Action to Approve a Resolution Supporting the Planning and Construction of the Future Interstate Highway 27 in Texas:**

Mr. Willis presented the Resolution. Mr. Benavides read the Resolution. Motion to approve the Resolution 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 #6- Goals Work Session:**

Mr. Willis presented the Goals for 2023-2024. There were no changes is the Goals presented and will be brought back for approval at the next meeting.



**ACTION ITEM #7- Budget Work Session:**

Mr. Willis asked the Board if there was anything that they would like to see added to the budget while discussing the renovation of the building signage area. The full budget will be presented for approval at the next meeting.

**ACTION ITEM #8- Directors Report:**

Projects: The Cross Ell contract has been reviewed by the parties and is in the process of being edited for minor language issues. We expect it to be ready for approval by the EDC Board in August and the City Council in September. The EDC Staff is in the process of assisting the County with a 381 Agreement for a \$100 million data center project. The former Ramada Inn/Prison and Chic-A-File projects are proceeding with all agreements in place. The EDC is in talks with two companies interested in the EDC property east of town to lease or purchase the property. The EDC is still talking with several companies considering large renewable and battery storage projects in the County. EDC staff is attempting to work with a local company being displaced to locate a suitable new location in the City or in the County. Meetings: EDC Associate Director attended the High Ground Roundtable. EDC Director attended the County leadership monthly meeting in June, participated in four monthly radio interviews, participated in 10 City staff meetings, participated in four City Council meetings, attended two County Commissioner's workshops and meetings, attended the IEDC Annual Meeting, graded CECD exams and completed the other steps to renew his certification for another three years, the EDC Director and Associate Director attended the TEDC Midyear Conference. The EDC Director represented the EDC at the Big Spring Aviation Board meeting. EDC staff is working with the Airport Manager to facilitate the possible expansion of a tenant on the airport property. The next Board meeting is tentatively scheduled for August 15th.

**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 5:30 pm., July 24, 2023. Mr. Benavides called the Executive Session to order at 5:31 pm., July 24, 2023. Mr. Benavides adjourned out of executive session at 5:48 pm., July 24, 2023. Mr. Benavides reconvened into open session at 5:49 pm., July 24, 2023.

**AGENDA ITEM #10- Action as a Result of Executive Session:**

None

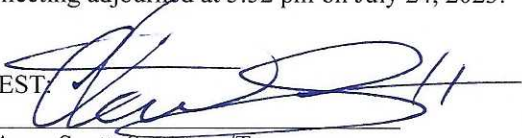
**AGENDA ITEM #11- Board Comments:**

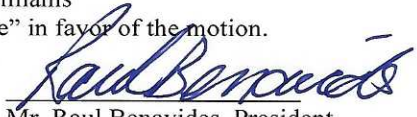
None

**AGENDA ITEM #12- Adjourn:**

Mr. Armstrong made a motion to adjourn, seconded by Mr. Williams  
The motion passed 4 to 0 with all members present voting "aye" in favor of the motion.  
The meeting adjourned at 5:52 pm on July 24, 2023.

ATTEST:

  
Ms. Anna Scott, Secretary/Treasurer

  
Mr. Raul Benavides, President

**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 8<sup>th</sup> 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 22<sup>nd</sup> day of August, 2023 with all members of the Council voting “aye” for the passage of same.

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Robert H. Moore III, Mayor

ATTEST:

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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 **8<sup>th</sup>** 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 **22<sup>th</sup>** day of **August, 2023** with all members of the Council voting “aye” for the passage of same.

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Robert H. Moore III, Mayor

ATTEST:

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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.



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Robert H. Moore III, Mayor

ATTEST:

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Tami L. Davis, City Secretary

# 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.



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE EXECUTIVE COMMITTEE OF CITIES SERVED BY ATMOS WEST TEXAS (“CITIES”) AND ATMOS ENERGY CORP., WEST TEXAS DIVISION REGARDING THE COMPANY’S 2023 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHMENT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; REQUIRING THE COMPANY TO REIMBURSE CITIES’ REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE CITIES’ LEGAL COUNSEL.**

**WHEREAS**, the City of Big Spring, Texas (“City”) is a gas utility customer of Atmos Energy Corp., West Texas Division (“Atmos West Texas” or “Company”), and a regulatory authority with an interest in the rates and charges of Atmos West Texas; and

**WHEREAS**, the City is a member of Cities Served by Atmos West Texas (“Cities”), a coalition of similarly situated cities served by Atmos West Texas that have joined together to facilitate the review of, and response to, natural gas issues affecting rates charged in the Atmos West Texas service area; and

**WHEREAS**, Cities and the Company worked collaboratively to develop a new Rate Review Mechanism (“RRM”) tariff that allows for an expedited rate review process by Cities as a substitute to the Gas Reliability Infrastructure Program (“GRIP”) process instituted by the Legislature, and that will establish rates for Cities based on the system-wide cost of serving the Atmos West Texas service area; and

**WHEREAS**, the RRM tariff was adopted by the City in a rate ordinance in 2018; and

**WHEREAS**, on about March 31, 2023, Atmos West Texas filed its 2023 RRM rate request with Cities based on a test year ending December 31, 2022; and

**WHEREAS**, Cities coordinated its review of the Atmos West Texas 2023 RRM filing through its Executive Committee, assisted by Cities’ attorneys and consultants, to resolve issues identified in the Company’s RRM filing; and

**WHEREAS**, the Executive Committee, as well as Cities' counsel and consultants, recommends that Cities approve an increase in base rates for Atmos West Texas of \$8.4 million with an Effective Date of October 1, 2023; and

**WHEREAS**, the attached tariffs (Attachment 1) implementing new rates are consistent with the recommendation of the Cities' Executive Committee, are agreed to by the Company, and are just, reasonable, and in the public interest; and

**WHEREAS**, the settlement agreement sets a new benchmark for pensions and retiree medical benefits (Attachment 2) and

**WHEREAS**, the RRM Tariff contemplates reimbursement of Cities' reasonable expenses associated with RRM applications;

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

**SECTION 1.** That the findings set forth in this Resolution are hereby in all things approved.

**SECTION 2.** That, without prejudice to future litigation of any issue identified by Cities, the City Council finds that the settled amount of an increase in revenues of \$ 8.4 million for Cities represents a comprehensive settlement of gas utility rate issues affecting the rates, operations, and services offered by Atmos West Texas within the municipal limits arising from Atmos West Texas' 2023 RRM filing, is in the public interest, and is consistent with the City's authority under Section 103.001 of the Texas Utilities Code.

**SECTION 3.** That the existing rates for natural gas service provided by Atmos West Texas are unreasonable. The new tariffs, attached hereto and incorporated herein as Attachment 1, are just and reasonable, and are designed to allow Atmos West Texas to recover annually an additional \$8.4 million in revenue from customers in Cities, over the amount allowed under currently approved rates. Such tariffs are hereby adopted.

**SECTION 4.** That the ratemaking treatment for pensions and retiree medical benefits in Atmos West Texas' next RRM filing shall be as set forth on Attachment 2, attached hereto and incorporated herein.

**SECTION 5.** That Atmos West Texas shall reimburse the reasonable ratemaking expenses of the Cities in processing the Company's 2023 RRM filing.

**SECTION 6.** 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 7.** 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 8.** Should any one or more sections or clauses of this Resolution be adjudged unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution, and the remaining provisions of the Resolution shall be interpreted as if the offending section or clause never existed.



**SECTION 9.** That consistent with the City Ordinance that established the RRM process, this Resolution shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after October 1, 2023.

**SECTION 10.** That a copy of this Resolution shall be sent to Atmos West Texas, care of Philip Littlejohn, Vice President of Rates and Regulatory Affairs, West Texas Division, 6606 66th Street, Lubbock, Texas 79424, and Thomas Brocato, General Counsel to Cities, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

**PASSED AND APPROVED** on first 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.

**PASSED AND APPROVED** on second reading at a regular meeting of the City Council on the **12th** day of **September 2023** with all members of the Council voting “aye” for the passage of same.

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Robert H. Moore III, Mayor

ATTEST:

APPROVED AS TO FORM:

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Tami L. Davis, City Secretary

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Andrew W. Hagen, City Attorney



August 7, 2023

To: John Medina & Yolanda Bryant  
City of Big Spring, TX

The Group Life/AD&D, Long Term Disability, and Voluntary Life/AD&D is currently with Mutual of Omaha. The renewal date is October 1, 2023. All three employee benefits have received a premium rate pass from Mutual of Omaha. In other words, no increase to the premiums.

Additionally, to align with your other employee benefits' renewal dates of January 1, we received approval from Mutual of Omaha for the following:

1. The current plan year will extend to 12/31/2023.
2. Renewal will transition to 1/1/2024 with open enrollment running 90 days prior.
3. The rates are on a 2-year rate guarantee until 12/31/2025.

Special Notes regarding enrollments and re-enrollments for the Voluntary Life/AD&D:

- The VTL/VAD&D has an **Annual Increase Option**, but not a True Open Enrollment up to the GI.
- This allows employees who are **currently enrolled** in the VTL to increase their election by up to \$10,000 (subject to the plan's Guaranteed Issue amount) without EOI.
- **Currently enrolled** employees electing more than \$10,000, an EOI must be submitted.
- If the \$10,000 limit for **currently enrolled** employees puts them over the GI amount, they must complete EOI.
- The increase option is only available for the Employee.
- This does not allow for Spouse or Child increase.
- Any **new hires** currently within their 31-day eligibility window would be able to enroll for any amount up to the GI without EOI. Timely, new members only need EOI if electing over the guarantee issue amount.
- Any **existing employee who has previously declined VTL** but wants to enroll at this time will be subject to EOI regardless the amount of coverage.
- Changes in coverage are only allowed at anniversary. Do not begin payroll deductions until Mutual of Omaha has provided notification that the amount has been approved.

Furthermore, we requested proposals from other carriers. Due to the Life/AD&D claims experience, we found Mutual of Omaha to still be the most competitive offering.

1. UnitedHealthcare – Life/AD&D 46% higher over Mutual of Omaha
2. Unum – Declined to Quote
3. Guardian - Declined to Quote

We therefore recommend the City of Big Spring to renew with Mutual of Omaha for the benefits of Life/AD&D, Long-Term Disability and Voluntary Life/AD&D. Allowing for current costs to remain the same for a 24-month period.

We appreciate the opportunity to continue working with the City of Big Spring to assist with your employee benefit needs. We are happy to assist in other benefits needs as well. Should you have any questions, please advise.

Sincerely,

*Becky Allaire*

Becky Allaire,  
Executive Director

806.741.1050 | 877.211.1975 | [www.scioligroup.com](http://www.scioligroup.com) | Lubbock | Big Spring | Dallas