



CITY COUNCIL REGULAR AGENDA

Tuesday, October 24, 2023

Notice is hereby given that the City Council of the City of Big Spring, Texas will meet in Regular Session on Tuesday, October 24, 2023, at 5:30 PM at the City Council Chambers Located at 307 East 4th Street, Big Spring, Texas. **We welcome the public to attend the meeting via telecommunication. Citizens will be able to view the City Council Meeting on Our Local Channel 17 through Suddenlink or on Our Website <http://mybigspring.com/224/Channel-17-Live>.**

CITY COUNCIL MEETING ETIQUETTE

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

Thank you!

Open Session

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

Public Comment

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

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

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

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|--|-------------|-------|
| 5. PUBLIC HEARING - Consideration and Possible Action
Concerning Abatement of Public Nuisance, at 4209 OAK ST,
BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: LT 5
BK 3 MESA 50X130 052 ACQ 02282022 BLK/TRACT 331S
0.149 ACRES - OWNER: RAUL MARQUEZ | 7-45 | Hagen |
| 6. PUBLIC HEARING - Consideration and Possible Action
Concerning Abatement of Public Nuisance, at 4005 W HWY
80, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION:
LTS 3-5 BK 4 WRIGHTS AIRPORT 75X130 MITCHEM
SALVAGE YARD 021 BLK/TRACT 4 0.224 ACRES ACQ
1132014 COMBINED 287591,287589,287588WITH 87590
.598 - OWNER: JAMES ORN | 46-
110 | Hagen |
| 7. PUBLIC HEARING - Consideration and Possible Action
Concerning Abatement of Public Nuisance, at 2208 MAIN,
BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: LT 5
BK 31 COLLEGE HEIGHTS 50X1401400 0.161 ACRES ACQ
08042015 - OWNER: HET LLC | 111-
137 | Hagen |
| 8. PUBLIC HEARING - Consideration and Possible Action
Concerning Abatement of Public Nuisance, at 507 NW 8TH,
BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: LT 4
BK 19 BAUER 50X140 531 BLKT/TRACT 19 0.161 ACRES-
OWNER: GUCEMINDO M DEANDA | 138-
169 | Hagen |
| 9. PUBLIC HEARING - Consideration and Possible Action
Concerning Abatement of Public Nuisance, at 610 NW 7TH ,
BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: LT 7
BK 20 BAUER 60X140 515 BLK/TRACT 20 0.193 ACRES -
OWNER: VENTURA A. CALDERON AND CONCEPION
CALDERON | 170-
201 | Hagen |

City Manager's Report

- | | |
|---|--------|
| 10. City Manager's report on the following items: | Darden |
| <ul style="list-style-type: none">• Update - Large Item Pickup, District 4• City Employee Appreciation Picnic - November 3rd• City Holiday - November 10th - Veterans Day | |

Consent Items

- | | | |
|--|---------|-------|
| 11. Approval of the City Council Minutes of the Regular Meeting of October 10, 2023. | 202-207 | Davis |
| 12. Final Reading of an Ordinance Repealing Chapter 34, Section 34-5 "Attorneys Representing the State in Criminal Prosecutions," from the Big Spring City Code in Recognition of State Law Now Providing for an Attorney Pro Tem to be Appointed in the Event One is not Available in the Municipal Court, Providing for Repeal of Conflicting Ordinances; Providing for Severability Clause; Finding and Determining that the Meetings at Which the Ordinance was Discussed were Open to the Public as Required by Law; and Establishing an Effective Date | 208-210 | Hagen |

Vouchers

- | | | |
|---------------------------|-----------------|----------|
| 13. Vouchers for 10/12/23 | \$ 661,765.46 | McDonald |
| Vouchers for 10/19/23 | \$ 1,602,582.04 | |
| Drafts | \$ 1,175,528.37 | |

Bids

- | | | |
|---|-----|--------|
| 14. Consideration and Possible Action on Awarding a Bid for a Side Load Truck for the Sanitation Department and Authorizing the City Manager or His Designee to Execute any Necessary Documents | 211 | Medina |
| 15. Consideration and Possible Action to Accept a Proposal or Reject Proposal(s) for the Sale of Real Property Pursuant to RFP 24-013 for Three Lots NW Corner of Nolan and East 5th and Authorizing the City Manager or His Designee to Negotiate and Execute Any Necessary Documents, concerning property in the City of Big Spring and Howard County as follows: | | Darden |
| <ul style="list-style-type: none">• 408 Nolan Street, LT 4 BK 31 ORIGINAL TOWN 50X140 0538 ACQ 040302 0.161 ACRES• 410 Nolan Street, LT 5 BK 31 ORIGINAL TOWN 50X140 0539 ACQ 0403020 0.161 ACRES• 412 Nolan Street, LT 6 BK 31 ORIGINAL TOWN 50X140 0540 ACQ 040302 0.161 ACRES | | |

New Business

- | | | |
|---|---------|----------|
| 16. Acknowledge Receipt of the Investment Report for the Quarter Ending September 30, 2023 | Handout | S. Smith |
| 17. Consideration and Possible Action to Accept the Following Donations: | | |
| a. Dora Roberts Rehabilitation Center for an ADA Accessible Playground Equipment at Comanche Trail Park | 212 | Lewis |
| b. Amphitheater Improvement Board for Upgrades to the Comanche Trail Amphitheater | 213-215 | Lewis |
| c. Broughton Foundation to the Big Spring Police Department | 216 | Williams |
| d. Circle H Auto Sales to the Comanche Trail Golf Course | 217 | Bowles |
| 18. Consideration and Possible Action to Reschedule the Regular City Council Meeting on December 26, 2023 at 5:30 pm to December 12, 2023 at 6:00 pm | | |
| 19. Discussion and Possible Action Regarding an Engineering Study to Improve the Drainage at the Parkway and Alamesa Intersection, and General Discussion of Drainage Issues in the City | | Hughes |
| 20. Discussion and Possible Action Regarding the Following Facilities: | | Hughes |
| a. Demolition of the Bailer Building Located at the Old Landfill | | Hughes |
| b. Demolition of the Dora Roberts Community Center (DRCC) | | Hughes |
| c. Replacement of the DRCC Building with a New Metal Sided Building with a Limestone Facade on the Lower 3rd to Match the SM Energy Pavillion; Placement of the Builidng with a Recommendation of Moving it to the Hill Next to the Existing SM Energy Pavilion; and Direct City Staff to get Preliminary Estimates from Local and Regional Metal Building Contractors for a Roughly 11,950 Square Foot Metal Building with Coved or Cathedral Ceilings | | Hughes |
| 21. Consideration and Possible Action Regarding a Cash Award Leading to the Arrest and Conviction of Any Suspect Responsible for the DRCC Fire | | Darden |

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|-----|--|-------------|----------|
| 22. | First Reading of an Ordinance to Rename the City Street "Sage Circle" to "Shroff Circle" and Authorizing the City Manager to Take all Necessary Action to Effect this Change; Providing for Repeal of Conflicting Ordinances; Providing for a Severability Clause; Finding and Determining that the Meetings at Which the Ordinance was Discussed were Open to the Public as Required by Law; and Establishing an Effective Date | 218-
219 | Tompkins |
| 23. | First Reading of an Ordinance Amending Ordinance Number 049-2023 Which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2023 and Ending September 30, 2024 by Increasing the Utility Fund for the Water Office Department for the Purpose of Replacing the Front Door for ADA Compliance; Providing for Severability; Providing for Publication; and Providing an Effective Date | 220-
224 | S. Smith |
| 24. | First Reading of a Resolution Casting Vote(s) to Elect Directors for the Howard Central Appraisal District for the Years 2024 and 2025; and Directing the City Secretary to Submit the Official Ballot to the Chief Appraiser of the Howard Central Appraisal District Before December 15, 2023 | 225-
228 | Hagen |
| 25. | Consideration and Possible Action Regarding an Agreement with Monsido, LLC for the Purchase of Monsido Software for Web Governance and Web Accessibility and Authorizing the City Manager or His Designee to Execute Any Necessary Documents | 229-
231 | Medina |
| 26. | Consideration and Possible Action Regarding an Agreement with Corral Environmental Consulting Inc. for the Asbestos Abatement and Subsequent Demolition of the Dora Roberts Community Center and Authorizing the City Manager or His Designee to Execute any Necessary Documents | 232 | Medina |
| 27. | Boards and Committees
Consideration and Possible Action on the Below Listed Board Member as Follows: | | Moore |
| a. | <u>Big Spring Economic Development Corporation</u>
Brent Strande - Appointment - Dist. Five | | Moore |

Council Input

- | | | |
|-----|----------------|-------|
| 28. | Input | Moore |
| 29. | Adjourn | Moore |

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

I hereby certify that this agenda was posted on the official bulletin board at the City of Big Spring, City Hall Building, located outside 310 Nolan Street. Given by order of the City Council and **Posted on Friday, October 20, 2023 at 4:45 p.m.** in accordance with Title 5, Texas Government Code and Chapter 551.

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


Tami L. Davis, City Secretary

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

4209 OAK ST

Code Compliance Official: Ashley Guerra

Exhibit A-1

STATE OF TEXAS

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COUNTY OF HOWARD

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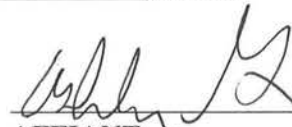
**AFFIDAVIT OF ASHLEY GUERRA
CONCERNING 4209 OAK ST**

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

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

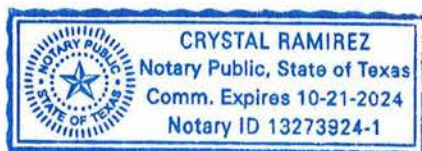
“I am a Code Compliance Official for the City of Big Spring, Texas. In the course of my duties, I inspect properties for compliance with Texas state law and the ordinances of the City of Big Spring. I am an employee of the City of Big Spring and am familiar with the manner in which its records are created and maintained by virtue of my duties and responsibilities. Attached are pages of records relating to the Code Compliance Case for **4209 OAK ST**, Big Spring, Texas. These are exact duplicates of original records. The records were made at or near the time of each act, event, or finding set forth. The records were made by, or from information transmitted by, persons with knowledge of the matters set forth. The records were kept in the course of regularly conducted business activity. It is the regular practice of the business activity to make the records.”

SIGNED on the 17 day of October, 2023.



AFFIANT

SWORN TO AND SUBSCRIBED before me this 17 day of October, 2023 by the above referenced Affiant.





Notary Public, State of Texas

Exhibit A-2

Property Details

Account		
Property ID:	283346	Geographic ID: B4440002300
Type:	Real	Zoning:
Property Use:		Condo:
Location		
Situs Address:	4209 OAK	
Map ID:		Mapsco:
Legal Description:	LT 5 BK 3 MESA 50X130 052 ACQ 02282022 BLK/TRACT 331S 0.149 ACRES	
Abstract/Subdivision:		
Neighborhood:	WRGT	
Owner ⓘ		
Owner ID:	414086	
Name:	MARQUEZ RAUL	
Agent:		
Mailing Address:	403 S BELL ST BIG SPRING, TX 79720	
% Ownership:	100.0%	
Exemptions:	For privacy reasons not all exemptions are shown online.	

Property Values

Improvement Homesite Value:	\$2,094 (+)
Improvement Non-Homesite Value:	\$0 (+)
Land Homesite Value:	\$2,200 (+)
Land Non-Homesite Value:	\$0 (+)
Agricultural Market Valuation:	\$0 (+)
Market Value:	\$4,294 (=)
Agricultural Value Loss: ⓘ	\$0 (-)
Appraised Value:	\$4,294 (=)
Homestead Cap Loss: ⓘ	\$0 (-)
Assessed Value:	\$4,294
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.

STATE OF TEXAS

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COUNTY OF HOWARD

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CERTIFICATION
4209 OAK ST CASE NOTES

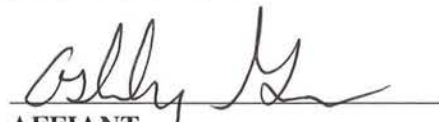
"This record, attached as **Exhibit A-3**, was made at or near the time by – or from information transmitted by a person or persons with the City with knowledge.

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.

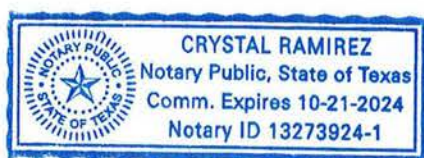
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout 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 17 day of October, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 17 day of October, 2023

by the above referenced Affiant.




Notary Public, State of Texas



CASE NOTES

Page 1 of 1

Report Run On: Wednesday, 11
October 2023 09:15

Case # 23-00000191

Parcel # : 283346

Site Address: 4209 OAK

Case Description: SUB STRUCTURE

Note Type	Note Code	Text	Created By	Begin Date	End Date
SITE VISIT		went back out for re inspection no progress has been made sent to legal on 10-11-23 I have had no contact with the owner .	Ashley Guerra	10/11/23	
CORRECTIVE ACTION		STRUCTURE IS IN BAD CONDITION NEED'S TO BE DEMO/REPAIRED EXTERIOR OF THE HOME IS IN BAD SHAPE AND NEEDS TO BE BROUGHT UP TO CODE . DEADLINE FOR COMPLIANCE IS SEVEN (7) DAYS FROM THE DATE OF MAILING	Ashley Guerra	10/04/23	
GENERAL		SENT OUT NOTICE OF VIOLATION ON 10-4-23	Ashley Guerra	10/04/23	
SITE VISIT		ON 10-2-23 DROVE BY ON COMPLAINT AND NOTICED A SUBSTANDARD STRUCTURE	Ashley Guerra	10/02/23	
GENERAL		PICTURES TAKEN ON 10-2-23	Ashley Guerra	10/02/23	

Exhibit A-3

STATE OF TEXAS

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COUNTY OF HOWARD

**CERTIFICATION OF
PHOTOGRAPHS BY ASHLEY GUERRA**

“With regard to the photographs in **Exhibits A-4** I am familiar with and recognize the scene depicted in the photographs. On 10, 2, 2023 and 10, 11, 2023, I inspected the property described as:

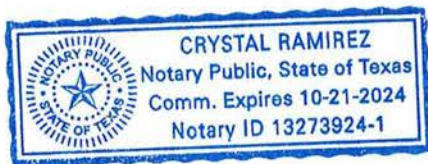
LT 5 BK 3 MESA 50X130 052 ACQ 02282022 BLK/TRACT 331S 0.149
ACRES Big Spring, Howard County, Texas, also known as **4209 OAK ST**, Big
Spring, Texas.

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

SIGNED on the 17 day of October, 2023.

Ashley Guerra
AFFIANT

SWORN TO AND SUBSCRIBED before me this 17 day of October, 2023
by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit A-4







October 2, 2023 3:32 PM

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October 11, 2023 9:24 AM



October 11, 2023 9:23 AM



October 11, 2023 9:23 AM



October 11, 2023 9:24 AM



October 11, 2023 9:24 AM



October 11, 2023 9:24 AM



October 11, 2023 9:23 AM

Exhibit A-5

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
NOTICE SENT BY ASHLEY GUERRA**

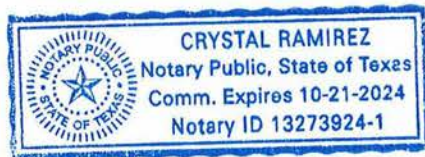
“The document in **Exhibit A-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

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

SIGNED on the 17 day of October, 2023.

Ashley Guerra
AFFIANT

SWORN TO AND SUBSCRIBED before me this 17 day of October, 2023
by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit A-6



City of Big Spring, TX
NOTIFICATION OF CODE VIOLATION
217 East 3rd St., Big Spring, TX 79720
Ph: 432-264-2504 Fax: 432-264-7024

FINAL NOTICE OF VIOLATION

23-00000191

10-4-23

MARQUEZ RAUL
403 S BELL ST
BIG SPRING, TX 79720

Subject Property: 4209 OAK , BIG SPRING, TX 00000
APN: 283346

Dear MARQUEZ RAUL

This is a follow-up notice regarding the subject address where code violations persist. As you are aware, on you were sent a notice regarding this matter.

Your property was recently reinspected and no progress was observed. You must make the following correction(s) by or contact Code Enforcement to get this matter resolved promptly.

Municipal Code	Description	Corrective Action
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SUBSTANDARD STRUCTURE	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: 1.Structural members have deterioration or distress that appears to reduce their load-carrying capacity.2.The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations have deterioration or distress that appears to reduce their load-carrying capacity.3.Structures or components thereof have deterioration or distress that appears to reduce their load-carrying capacity.4.Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or watertight.5.Reserved.6.Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.7.Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.8.Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and in capable of supporting all nominal loads and resisting all load effects.9.Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects.10.Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.11.Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes, and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.12.Exterior stairs, decks, porches, balconies, and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.13.Chimneys, cooling towers, smokestacks, and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.	STRUCTURE IS IN BAD CONDITION NEED'S TO BE DEMO/REPAIRED EXTERIOR OF THE HOME IS IN BAD SHAPE AND NEEDS TO BE BROUGHT UP TO CODE . DEADLINE FOR COMPLIANCE IS SEVEN (7) DAYS FROM THE DATE OF MAILING
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After , an inspection of your property will take place to verify compliance. Should this notice resolve the concern, no further action will be taken. However, please be advised, if a property owner or resident does not comply, further code enforcement action will be required.

Should you have questions regarding this notice, you may contact the undersigned at 432-264.2505 or by email at aguerra@mybigspring.com.

Thank you for helping to resolve this matter.

Sincerely,

Ashley Guerra
Code



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

October 13, 2023

RAUL MARQUEZ
403 S BELL ST
BIG SPRING, TX 79720

Re: 4209 OAK ST, BIG SPRING, TEXAS 79720
LEGAL DESCRIPTION: LT 5 BK 3 MESA 50X130 052 ACQ 02282022
BLK/TRACT 331S 0.149 ACRES, Howard County

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

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

defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.	
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The following actions are required to correct the violation(s) at the structure(s) as stated above:

Corrective Action Sought by Code Compliance

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

Demolish and Remove
of structure(s).

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

Issued by

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, October 24, 2023** at the City Council Chambers located at **307 E 4th St., Big Spring, Texas 79720**. You are encouraged to attend this hearing to demonstrate the scope of work that may be required to comply with the Building Codes and the time it will take to reasonably perform the work.

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

SECTION A-1.10. Rights of Parties

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

(b) Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this State.

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

(d) Rights of Parties. Each party shall have the following rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the hearing;
2. To introduce documentary and physical evidence;
3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
4. To impeach any witness regardless of which party first called him to testify;
5. To rebut the evidence against him;
6. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

Section C-9.02 (c)The City Attorney shall present the case for the City. If the City Attorney is recused or disqualified, the City Manager shall determine who shall present the case for the City.

YOU HAVE A RIGHT TO APPEAL THE DECISION OF THE HEARING BOARD. If the Hearing Board enters an order to abate the violation(s) at the structure(s) at the property, the order is preliminary, allowing you to appeal the order to District Court within thirty (30) days pursuant to Section 8.03 of the Structural Standards Ordinance of the Big Spring City Code. If you fail to appeal the Hearing Board's ruling within that time, such order shall become the final order.

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

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

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

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

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

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

Sincerely,



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

Exhibit A-7



October 13, 2023 2:51 PM



Code Enforcement

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

NOTICE OF PUBLIC HEARING CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD WILL HOLD A PUBLIC HEARING ON **OCTOBER 24TH, 2023, AT 5:30 P.M.**, IN THE CITY OF BIG SPRING COUNCIL CHAMBERS AT 307 E 4th ST., BIG SPRING, TEXAS 79720 TO CONSIDER ABATEMENT OF PUBLIC NUISANCES ON PROPERTIES IN THE CITY OF BIG SPRING, TEXAS. ALL INTERESTED PERSONS MAY SPEAK, THEN A DETERMINATION WILL BE MADE AND REMEDIAL ACTION ORDERED ON THE FOLLOWING PROPERTIES:

4209 OAK ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 5 BK 3 MESA 50X130 052 ACQ 02282022 BLK/TRACT 331S 0.149 ACRES- OWNER: RAUL MARQUEZ

4005 W HWY 80, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LTS 3-5 BK 4 WRIGHTS AIRPORT 75X130 MITCHEM SALVAGE YARD 021 BLK/TRACT 4 0.224 ACRES ACQ 11132014 COMBINED 287591, 287589, 287588 WITH 87590 .598–OWNER: JAMES ORN

2208 MAIN ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 5 BK 31 COLLEGE HEIGHTS 50X140 1400 0.161 ACRES ACQ 08042015– OWNER: HET, LLC

507 NW 8TH ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 4 BK 19 BAUER 50X140 531 BLK/TRACT 19 0.161 ACRES – OWNER: GUCEMINDO M. DEANDA

610 NW 7TH ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 7 BK 20 BAUER 60X140 515 BLK/TRACT 20 0.193 ACRES – OWNER: VENTURA A CALDERON and CONCEPION CALDERON

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

4005 W HWY 80

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 4005 W HWY 80**

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

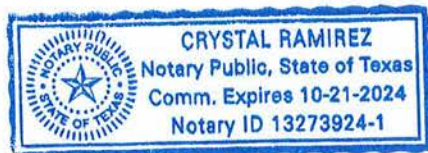
“My name is **Ashley Guerra**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

“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 **4005 W HWY 80**, 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 17 day of October, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 17 day of October, 2023 by the above referenced Affiant.




Notary Public, State of Texas

Exhibit B-2

Property Details

Account		
Property ID:	287590	Geographic ID: B6240004400
Type:	Real	Zoning:
Property Use:		Condo:
Location		
Situs Address:	4005 W HWY 80	
Map ID:		Mapsco:
Legal Description:	LTS 3-5 BK 4 WRIGHTS AIRPORT 75X130 MITCHEM SALVAGE YARD 021 BLK/TRACT 4 0.224 ACRES ACQ 11132014 COMBINED 287591, 287589, 287588 WITH 287590 .598	
Abstract/Subdivision:		
Neighborhood:	WRGT	
Owner ?		
Owner ID:	429542	
Name:	ORN JAMES	
Agent:		
Mailing Address:	3101 MOUNTAIN SHADOW BIG SPRING, TX 79720	
% Ownership:	100.0%	
Exemptions:	For privacy reasons not all exemptions are shown online.	

Property Values

Improvement Homesite Value:		\$0 (+)
Improvement Non-Homesite Value:		\$13,815 (+)
Land Homesite Value:		\$0 (+)
Land Non-Homesite Value:		\$55,000 (+)
Agricultural Market Valuation:		\$0 (+)

Market Value:	\$68,815 (=)
Agricultural Value Loss:?	\$0 (-)
Appraised Value:	\$68,815 (=)
Homestead Cap Loss: ?	\$0 (-)
Assessed Value:	\$68,815
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: ORN JAMES %Ownership: 100.0%

Entity	Description	Tax Rate	Market Value	Taxable Value	Estimated Tax	Freeze Ceiling
01H	HOWARD COUNTY	0.238916	\$68,815	\$68,815	\$164.41	
02B	CITY OF BIG SPRING	0.673163	\$68,815	\$68,815	\$463.24	
03B	BIG SPRING ISD	0.930900	\$68,815	\$68,815	\$640.60	
052	HOWARD COLLEGE	0.168395	\$68,815	\$68,815	\$115.88	

Total Tax Rate: 2.011374

Estimated Taxes With Exemptions: \$1,384.13

Estimated Taxes Without Exemptions: \$1,384.13

STATE OF TEXAS

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COUNTY OF HOWARD

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CERTIFICATION
4005 W HWY 80 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.”

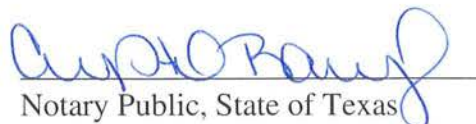
SIGNED on the 17 day of October, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 17 day of October, 2023

by the above referenced Affiant.




Notary Public, State of Texas



CASE NOTES

Page 1 of 1

Report Run On: Friday, 06 October
2023 10:17

Case # 23-00000177

Parcel # : 287590

Site Address: 4005 W HWY 80

Case Description: ss

Note Type	Note Code	Text	Created By	Begin Date	End Date
SITE VISIT		ON 10-3-23 I WENT BACK FOR REINSPECT AND NOTHING HAS BEEN DONE NO CONTACT HAS BEEN MADE SENT TO LEGAL ON 10-6-23	Ashley Guerra	10/06/23	
CORRECTIVE ACTION		BUILDING ON PROPERTY 4005 W HWY 80 IS SUBSTANDARD AND NEEDS TO BE REPAIRED OR BROUGHT DOWN THIS BUILDING IS DANGEIOUS TO THE COMUNNNITY . PARTS OF ROOF MISSING DEADLINE FOR COMPLIANCE IS SEVEN (7) DAYS FROM THE DATE OF MAILING	Ashley Guerra	09/22/23	
GENERAL		sent out certified notice of violatwion on 9-22-23	Ashley Guerra	09/22/23	
SITE VISIT		on 9-21-23 sent to 4005 w hwy 80 due to a complaint . on arrival noticed a substandard structure , called for a warrant will recive warrant after lunch .	Ashley Guerra	09/21/23	
SITE VISIT		photos taken on 9-21-23 to get warrant @ 11:30 am	Ashley Guerra	09/21/23	
PHOTOS		photos from warrant on 9-21-23 @ 2:00 pm	Ashley Guerra	09/21/23	

Exhibit B-3

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 9, 21, 2023 and 10, 3, 2023, I inspected the property described as:

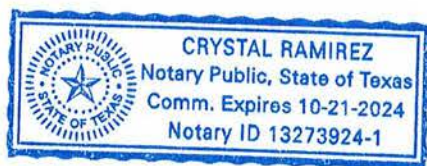
LTS 3-5 BK 4 WRIGHTS AIRPORT 75X130 MITCHEM SALVAGE YARD
021 BLK/TRACT 4 0.224 ACRES ACQ 11132014 COMBINED
287591,287589,287588 WITH 87590 .598 Big Spring, Howard County, Texas,
also known as **4005 W HWY 80**, Big Spring, Texas.

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

SIGNED on the 17 day of October, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 17 day of October, 2023
by the above referenced Affiant.



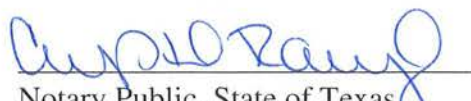

Notary Public, State of Texas

Exhibit B-4





September 21, 2023 2:04 PM



September 21, 2023 10:00 AM







September 21, 2023 2:06 PM



September 21, 2023 2:03 PM

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September 21, 2023 2:16 PM

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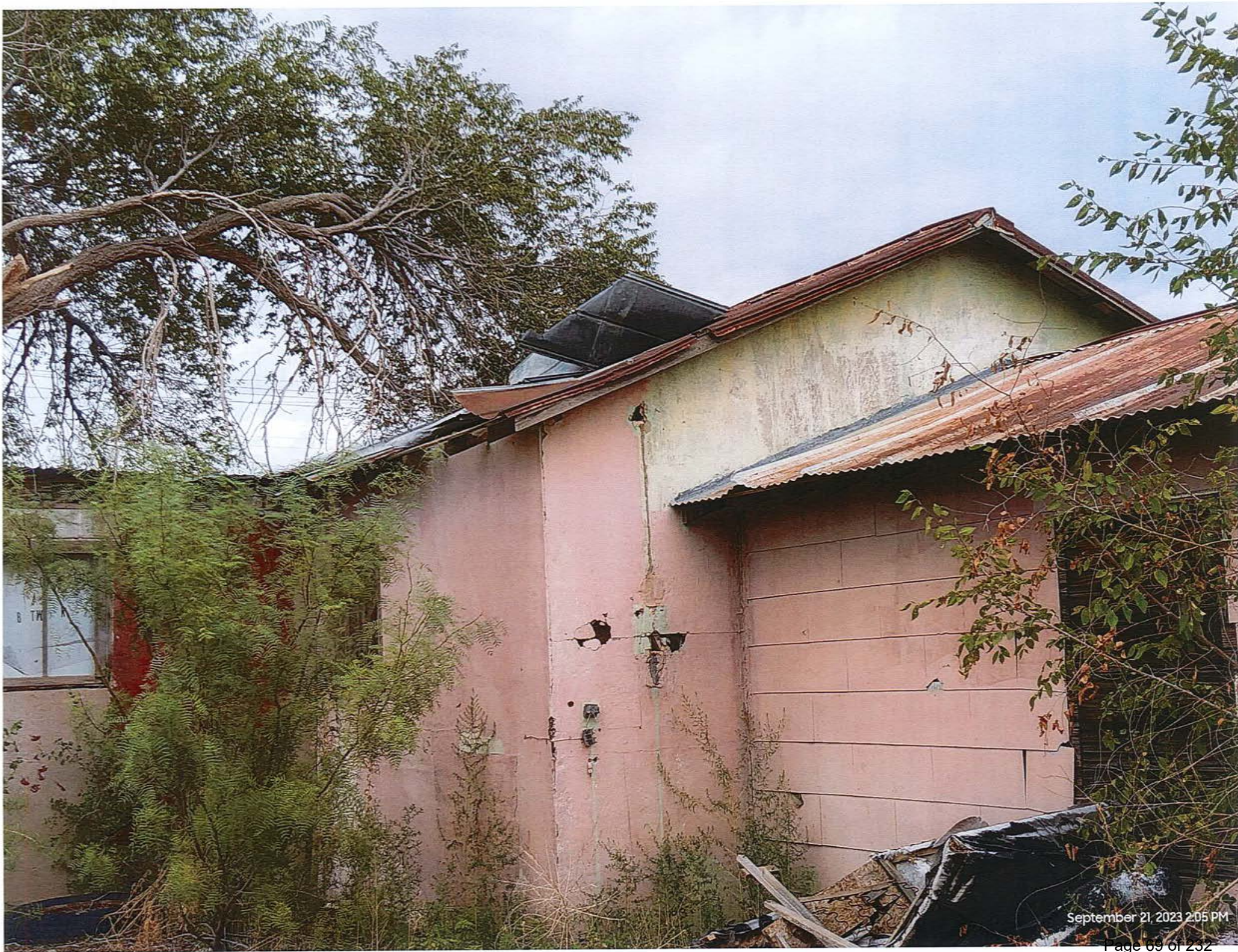
September 21, 2023 11:17 AM



September 21, 2023 11:18 AM



September 21, 2023 11:18 AM



September 21, 2023 2:05 PM

Page 69 of 232



September 21, 2023 2:06 PM

Page 70 of 232





September 21, 2020 10:00 AM







September 21, 2023 2:05 PM



September 21, 2023 2:06 PM

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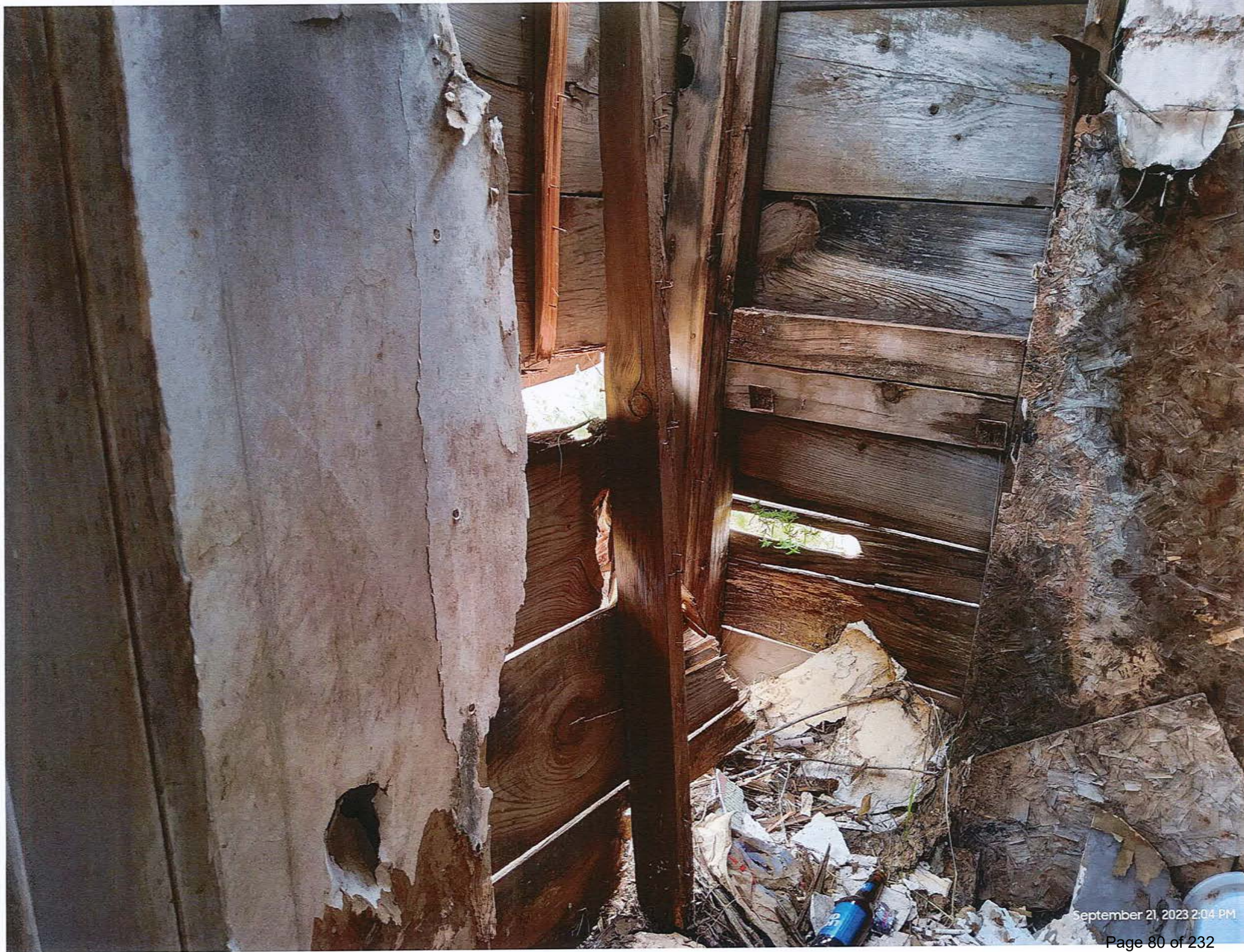


September 21, 2023 2:02 PM

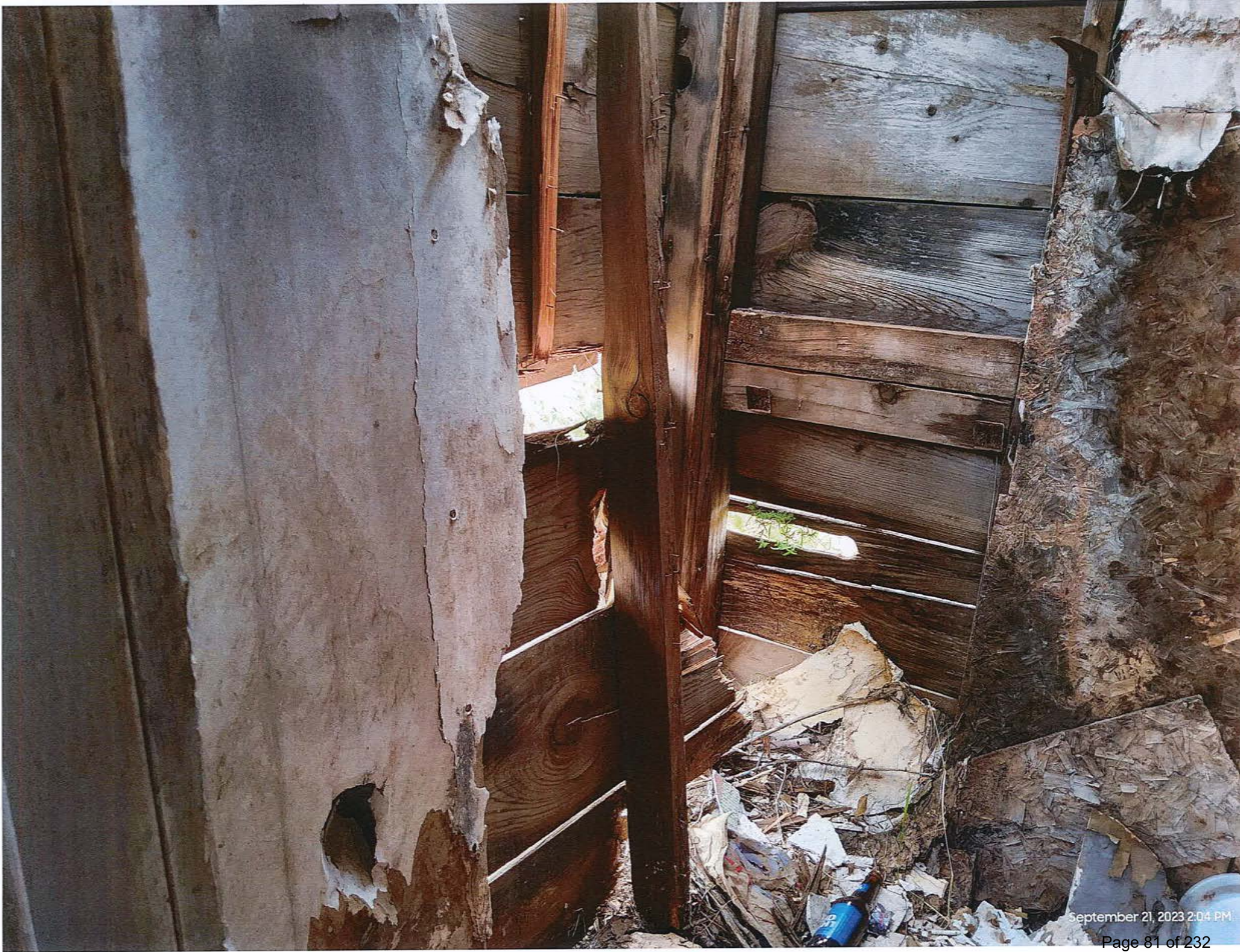


September 21, 2023 2:03 PM

Page 79 of 232



September 21, 2023 2:04 PM





September 21, 2023 2:16 PM

Page 82 of 232



September 21, 2023 2:05 PM

Page 83 of 232



September 21, 2023 2:04 PM

Page 64 of 232



September 21, 2023 2:04 PM

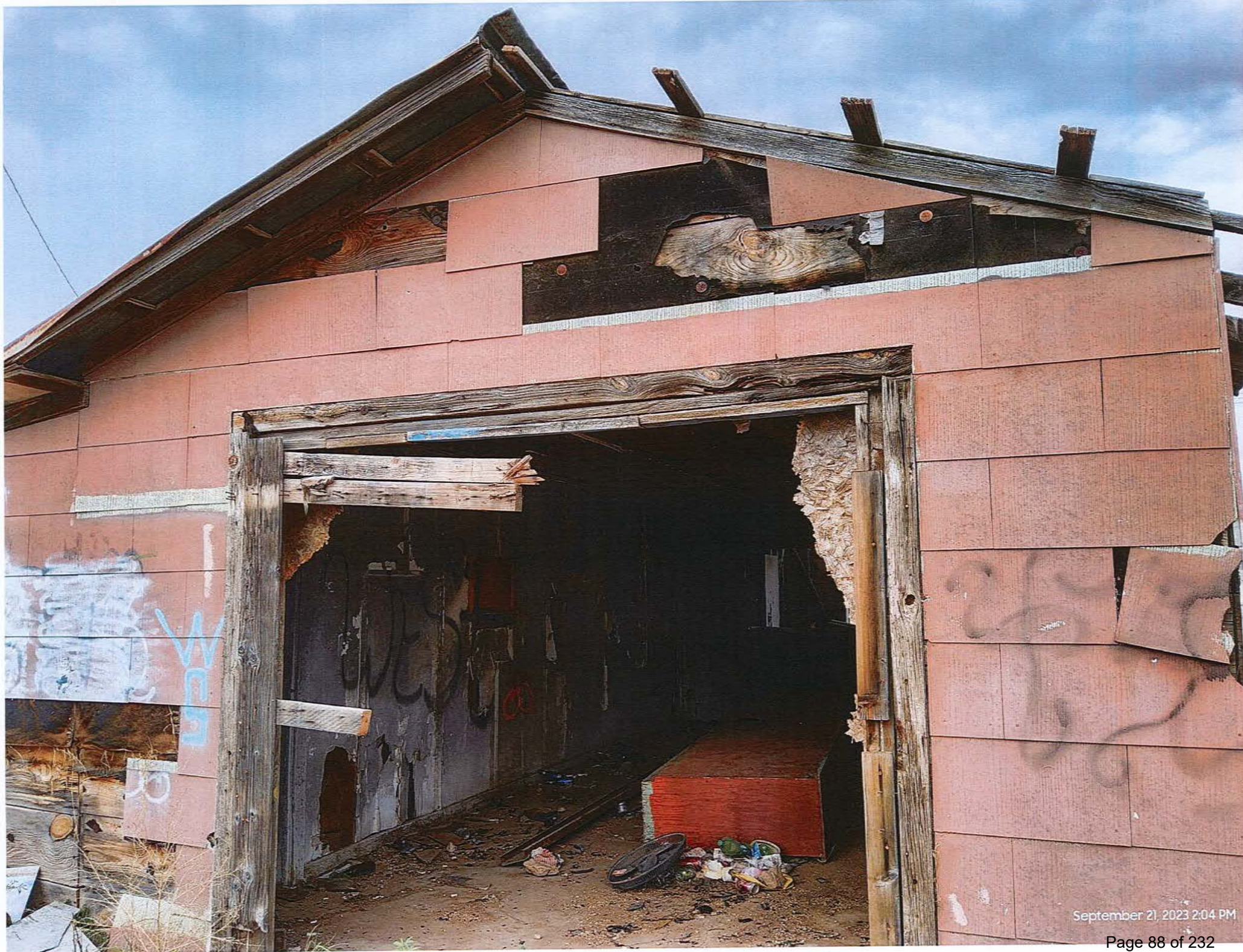
Page 85 of 232



September 21, 2023 2:03 PM

Page 06 of 232





September 21, 2023 2:04 PM

Page 88 of 232



September 21, 2023 11:17 AM

Page 89 of 232

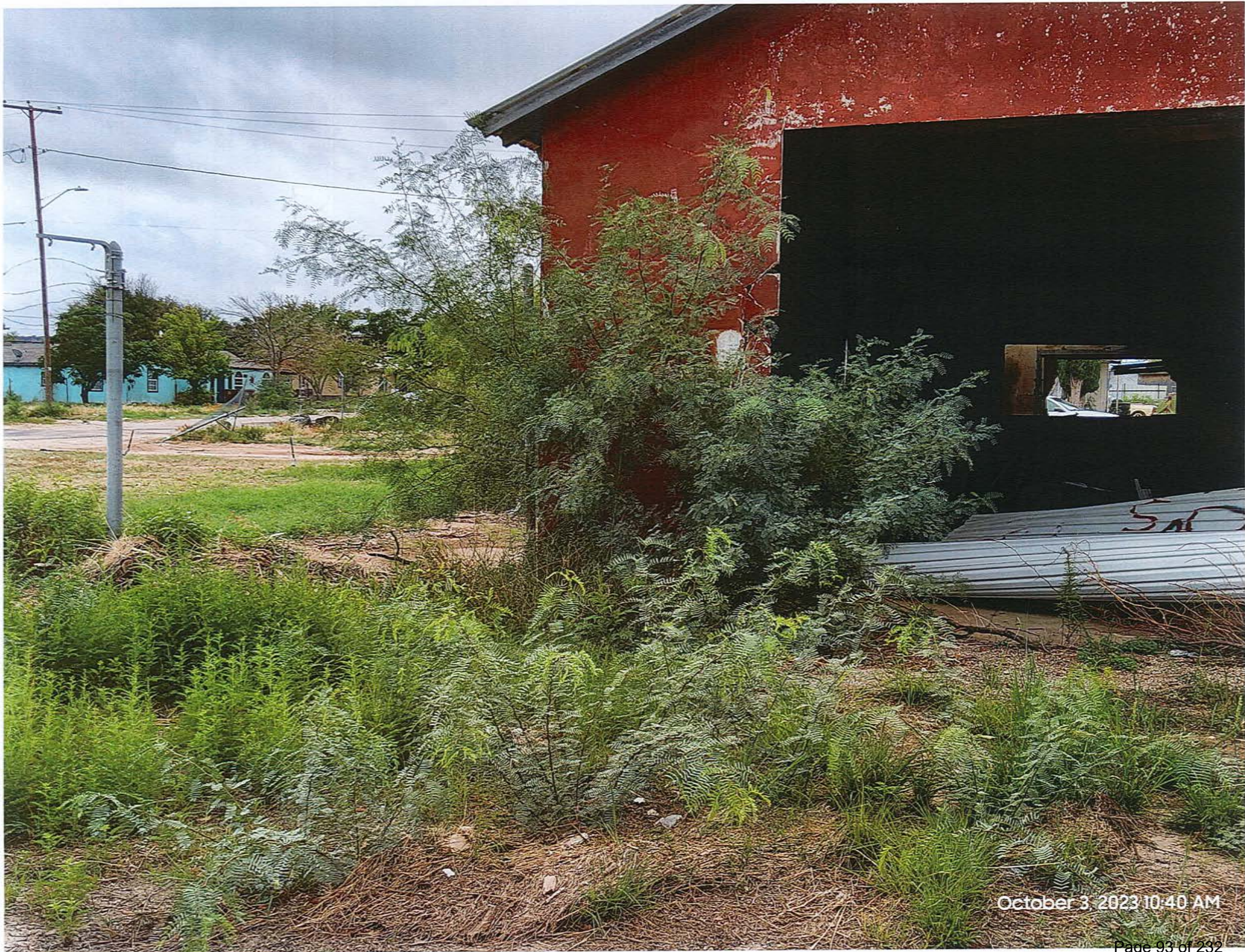




September 21, 2023 11:18 AM



October 3, 2023 10:40 AM



October 3, 2023 10:40 AM



October 3, 2023 10:40 AM



October 3, 2023 10:40 AM



October 3, 2023 10:40 AM

Exhibit B-5

STATE OF TEXAS

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COUNTY OF HOWARD

**CERTIFICATION
NOTICE SENT BY ASHLEY GUERRA**

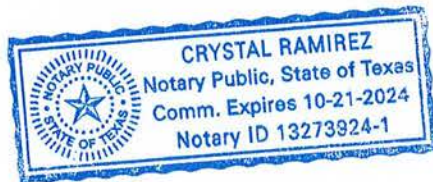
“The document in **Exhibit B-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

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

SIGNED on the 17 day of October, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 17 day of October, 2023
by the above referenced Affiant.




Notary Public, State of Texas

Exhibit B-6



City of Big Spring, TX
NOTIFICATION OF CODE VIOLATION

217 East 3rd St., Big Spring, TX 79720
Ph: 432-264-2504 Fax: 432-264-7024

FINAL NOTICE OF VIOLATION

23-00000177

ORN JAMES
3101 MOUNTAIN SHADOW
BIG SPRING, TX 79720

Subject Property: 4005 W HWY 80 , BIG SPRING, TX 00000
APN: 287590

Dear ORN JAMES

This is a follow-up notice regarding the subject address where code violations persist. As you are aware, on you were sent a notice regarding this matter.

Your property was recently reinspected and no progress was observed. You must make the following correction(s) by or contact Code Enforcement to get this matter resolved promptly.

Municipal Code	Description	Corrective Action
----------------	-------------	-------------------

SUBSTANDARD STRUCTURE	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: 1.Structural members have deterioration or distress that appears to reduce their load-carrying capacity.2.The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations have deterioration or distress that appears to reduce their load-carrying capacity.3.Structures or components thereof have deterioration or distress that appears to reduce their load-carrying capacity.4.Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or watertight.5.Reserved.6.Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.7.Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.8.Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and in capable of supporting all nominal loads and resisting all load effects.9.Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects.10.Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.11.Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes, and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.12.Exterior stairs, decks, porches, balconies, and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.13.Chimneys, cooling towers, smokestacks, and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.	BUILDING ON PROPERTY 4005 W HWY 80 IS SUBSTANDARD AND NEEDS TO BE REPAIRED OR BROUGHT DOWN THIS BUILDING IS DANGEIOUS TO THE COMUNNNITY . PARTS OF ROOF MISSING DEADLINE FOR COMPLIANCE IS SEVEN (7) DAYS FROM THE DATE OF MAILING
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After , an inspection of your property will take place to verify compliance. Should this notice resolve the concern, no further action will be taken. However, please be advised, if a property owner or resident does not comply, further code enforcement action will be required.

Should you have questions regarding this notice, you may contact the undersigned at 432-264.2505 or by email at aguerra@mybigspring.com.

Thank you for helping to resolve this matter.

Sincerely,

Ashley Guerra
Code

A handwritten signature in black ink, appearing to read 'Ashley Guerra', followed by a large, stylized flourish or loop.



NOTICE OF VIOLATION AND NOTICE OF HEARING

Sent via: Certified Mail; Return Receipt Requested

October 13, 2023

JAMES ORN
3101 MOUNTAIN SHADOW
BIG SPRING, TX 79720

Re: 4005 W HWY 80, BIG SPRING, TEXAS 79720
LEGAL DESCRIPTION: LTS 3-5 BK 4 WRIGHTS AIRPORT 75X130
MITCHEM SALVAGE YARD 021 BLK/TRACT 4 0.224 ACRES ACQ 11132014
COMBINED 287591,287589,287588 WITH 87590 .598, Howard County

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

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

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.	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

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, October 24, 2023** at the City Council Chambers located at **307 E 4th St., Big Spring, Texas 79720**. You are encouraged to attend this hearing to demonstrate the scope of work that may be required to comply with the Building Codes and the time it will take to reasonably perform the work.

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

SECTION A-1.10. Rights of Parties

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

(b) Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this State.

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

(d) Rights of Parties. Each party shall have the following rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the hearing;
2. To introduce documentary and physical evidence;
3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
4. To impeach any witness regardless of which party first called him to testify;
5. To rebut the evidence against him;
6. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

Section C-9.02 (c)The City Attorney shall present the case for the City. If the City Attorney is recused or disqualified, the City Manager shall determine who shall present the case for the City.

YOU HAVE A RIGHT TO APPEAL THE DECISION OF THE HEARING BOARD. If the Hearing Board enters an order to abate the violation(s) at the structure(s) at the property, the order is preliminary, allowing you to appeal the order to District Court within thirty (30) days pursuant to Section 8.03 of the Structural Standards Ordinance of the Big Spring City Code. If you fail to appeal the Hearing Board's ruling within that time, such order shall become the final

order.

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

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

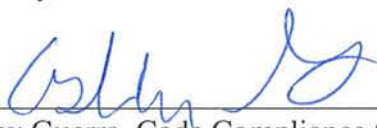
NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless,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

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

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

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

Sincerely,



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

Exhibit B-7



Code Enforcement

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

NOTICE OF PUBLIC HEARING CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD WILL HOLD A PUBLIC HEARING ON OCTOBER 24th, 2023, AT 5:00 P.M. IN THE CITY OF BIG SPRING COUNCIL CHAMBERS AT 307 E 4th ST., BIG SPRING, TEXAS 79720 TO CONSIDER ABATEMENT OF PUBLIC NUISANCES ON PROPERTIES IN THE CITY OF BIG SPRING, TEXAS. ALL INTERESTED PERSONS MAY SPEAK, THEN A DETERMINATION WILL BE MADE AND REMEDIAL ACTION ORDERED ON THE FOLLOWING PROPERTIES:

4399 OAK ST., BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 5 BK 3 MESA 50X130 652 ACQ 9283822 BLK/TRACT 331S 0.149 ACRES – OWNER: RAUL MARQUEZ

9085 W HWY 80, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LTS 2-5 BK 4 WRIGHTS AIRPORT-SX130 MITCHEM SALVAGE YARD 821 BLK/TRACT 4 8.224 ACRES ACQ 11132014 COMBINED 287591, 287589, 287588 WITH 87590, 598 – OWNER: JAMES ORN

2208 MAIN ST., BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 5 BK 31 COLLEGE HEIGHTS 50X140 140610.161 ACRES ACQ 08042015 – OWNER: HET, LLC

507 NW 4th ST., BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 4 BK 19 BAUER 50X140 531 BLK/TRACT 19 0.161 ACRES – OWNER: GUCEMINDO M. DEANDA

610 NW 2nd ST., BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 7 BK 20 BAUER 60X140 515 BLK/TRACT 20 0.193 ACRES – OWNER: VENTURA A CALDERON and CONCEPCION CALDERON

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



October 13, 2023 2:48 PM



Code Enforcement

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

NOTICE OF PUBLIC HEARING CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD WILL HOLD A PUBLIC HEARING ON OCTOBER 24TH, 2023, AT 5:30 P.M., IN THE CITY OF BIG SPRING COUNCIL CHAMBERS AT 307 E 4th ST., BIG SPRING, TEXAS 79720 TO CONSIDER ABATEMENT OF PUBLIC NUISANCES ON PROPERTIES IN THE CITY OF BIG SPRING, TEXAS. ALL INTERESTED PERSONS MAY SPEAK, THEN A DETERMINATION WILL BE MADE AND REMEDIAL ACTION ORDERED ON THE FOLLOWING PROPERTIES:

4209 OAK ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 5 BK 3 MESA 50X130 052 ACQ 02282022 BLK/TRACT 331S 0.149 ACRES- OWNER: RAUL MARQUEZ

4005 W HWY 80, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LTS 3-5 BK 4 WRIGHTS AIRPORT 75X130 MITCHEM SALVAGE YARD 021 BLK/TRACT 4 0.224 ACRES ACQ 11132014 COMBINED 287591, 287589, 287588 WITH 87590 .598–OWNER: JAMES ORN

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Nick Reyna

Nick Reyna, Building Official, City of Big Spring

2208 MAIN

Code Compliance Official: Ashley Guerra

Exhibit C-1

STATE OF TEXAS

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COUNTY OF HOWARD

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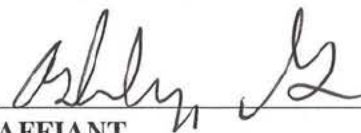
**AFFIDAVIT OF ASHLEY GUERRA
CONCERNING 2208 MAIN**

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

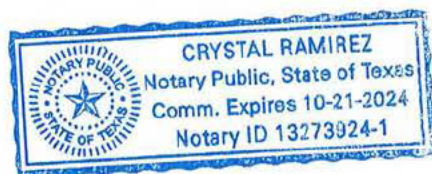
“My name is **Ashley Guerra**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

“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 **2208 MAIN**, 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 17 day of October, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 17 day of October, 2023 by the above referenced Affiant.




Notary Public, State of Texas

Exhibit C-2

Property Details

Account		
Property ID:	279486	Geographic ID: B2910025800
Type:	Real	Zoning:
Property Use:		Condo:
Location		
Situs Address:	2208 MAIN	
Map ID:		Mapsco:
Legal Description:	LT 5 BK 31 COLLEGE HEIGHTS 50X140 1400 0.161 ACRES ACQ 08042015	
Abstract/Subdivision:		
Neighborhood:	MCDW	
Owner ?		
Owner ID:	425259	
Name:	HET LLC	
Agent:	KEU	
Mailing Address:	1000 RICHIE ROAD BIG SPRING, TX 79720	
% Ownership:	100.0%	
Exemptions:	For privacy reasons not all exemptions are shown online.	

Property Values

Improvement Homesite Value:	\$37,591 (+)
Improvement Non-Homesite Value:	\$0 (+)
Land Homesite Value:	\$3,500 (+)
Land Non-Homesite Value:	\$0 (+)
Agricultural Market Valuation:	\$0 (+)
Market Value:	\$41,091 (=)

Agricultural Value Loss: ?	\$0 (-)
Appraised Value:	\$41,091 (=)
Homestead Cap Loss: ?	\$0 (-)
Assessed Value:	\$41,091
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: HET LLC %**Ownership:** 100.0%

Entity	Description	Tax Rate	Market Value	Taxable Value	Estimated Tax	Freeze Ceiling
01H	HOWARD COUNTY	0.238916	\$41,091	\$41,091	\$98.17	
02B	CITY OF BIG SPRING	0.673163	\$41,091	\$41,091	\$276.61	
03B	BIG SPRING ISD	0.930900	\$41,091	\$41,091	\$382.52	
052	HOWARD COLLEGE	0.168395	\$41,091	\$41,091	\$69.20	

Total Tax Rate: 2.011374

Estimated Taxes With Exemptions: \$826.50

Estimated Taxes Without Exemptions: \$826.50

STATE OF TEXAS

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§

COUNTY OF HOWARD

**CERTIFICATION
2208 MAIN 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.

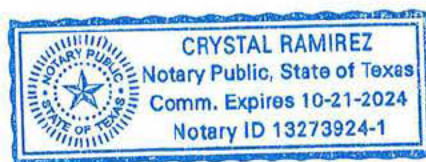
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout 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 17 day of October, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 17 day of October, 2023

by the above referenced Affiant.




Notary Public, State of Texas

Exhibit C-3



CASE NOTES

Page 1 of 1

Report Run On: Tuesday, 26
September 2023 11:26

Case # 23-00000045

Parcel # : 279486

Site Address: 2208 MAIN

Case Description: WAS ON THE BLOCK DUE TO A COMPLAINT AND NOTICED A SUB STANDARD BUILDING
WHAT SEEMS TO BE A GARAGE

Note Type	Note Code	Text	Created By	Begin Date	End Date
SITE VISIT		REINSPECTED ON 9-26-23 AND NO PROGRESS HAS BEEN MADE NO CONTACT HAS BEEN MADE ASWELL	Ashley Guerra	09/26/23	
GENERAL		Sent to legal on 9-26-23 so legal can sent out there letter	Ashley Guerra	09/26/23	
CORRECTIVE ACTION		BACK CARPORT/GARAGE NEEDS TO BE BROUGHT DOWN ITS HAZARDOUS AND DANGEROUS TO THE NABOR HOOD DEADLINE FOR COMPLIANCE SEVEN (7) DAYS FROM DATE OF MAILING	Ashley Guerra	08/21/23	
PHOTOS		PHOTOS OF SUBSTANDARD BUILDING	Ashley Guerra	08/21/23	
SITE VISIT		WAS ON BLOCK DUE TO A COMPLAINT AND NOTICED A SUBSTANDARD BUILDING WHAT LOOKS TO BE A OLD CARPORT	Ashley Guerra	08/21/23	

STATE OF TEXAS

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§

COUNTY OF HOWARD

**CERTIFICATION OF
PHOTOGRAPHS BY ASHLEY GUERRA**

“With regard to the photographs in **Exhibits C-4** I am familiar with and recognize the scene depicted in the photographs. On 8, 21, 2023 and 9, 26, 2023, I inspected the property described as:

LT 5 BK 31 COLLEGE HEIGHTS 50X1401400 0.161 ACRES ACQ 08042015
Big Spring, Howard County, Texas, also known as **2208 MAIN**, Big Spring,
Texas.

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

SIGNED on the 17 day of October, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 17 day of October, 2023
by the above referenced Affiant.




Notary Public, State of Texas

Exhibit C-4



August 21, 2023 4:00 PM

Page 122 of 232





Exhibit C-5

STATE OF TEXAS

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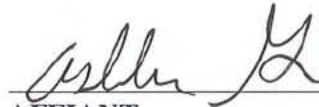
COUNTY OF HOWARD

**CERTIFICATION
NOTICE SENT BY ASHLEY GUERRA**

“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 17 day of October, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 17 day of October, 2023
by the above referenced Affiant.


Notary Public, State of Texas



Exhibit C-6



City of Big Spring, TX
NOTIFICATION OF CODE VIOLATION
217 East 3rd St., Big Spring, TX 79720
Ph: 432-264-2504 Fax: 432-264-7024

FINAL NOTICE OF VIOLATION

23-00000045

HET LLC
1000 RICHIE ROAD
BIG SPRING, TX 79720

Subject Property: 2208 MAIN , BIG SPRING, TX 00000
APN: 279486

Dear HET LLC

This is a follow-up notice regarding the subject address where code violations persist. As you are aware, on you were sent a notice regarding this matter.

Your property was recently reinspected and no progress was observed. You must make the following correction(s) by or contact Code Enforcement to get this matter resolved promptly.

Municipal Code	Description	Corrective Action
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SUBSTANDARD STRUCTURE	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: 1.Structural members have deterioration or distress that appears to reduce their load-carrying capacity.2.The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations have deterioration or distress that appears to reduce their load-carrying capacity.3.Structures or components thereof have deterioration or distress that appears to reduce their load-carrying capacity.4.Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or watertight.5.Reserved.6.Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.7.Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.8.Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and in capable of supporting all nominal loads and resisting all load effects.9.Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects.10.Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.11.Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes, and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.12.Exterior stairs, decks, porches, balconies, and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.13.Chimneys, cooling towers, smokestacks, and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.	BACK CARPORT/GARAGE NEEDS TO BE BROUGHT DOWN ITS HAZARDOUS AND DANGEROUS TO THE NABOR HOOD DEADLINE FOR COMPLIANCE SEVEN (7) DAYS FROM DATE OF MAILING
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After , an inspection of your property will take place to verify compliance. Should this notice resolve the concern, no further action will be taken. However, please be advised, if a property owner or resident does not comply, further code enforcement action will be required.

Should you have questions regarding this notice, you may contact the undersigned at 432-264.2505 or by email at aguerra@mybigspring.com.

Thank you for helping to resolve this matter.

Sincerely,

Ashley Guerra
Code



NOTICE OF VIOLATION AND NOTICE OF HEARING

Sent via: Certified Mail; Return Receipt Requested

October 13, 2023

HET LLC
1000 RICHIE RD
BIG SPRING, TX 79720

Re: 2208 MAIN, BIG SPRING, TEXAS 79720
LEGAL DESCRIPTION: LT 5 BK 31 COLLEGE HEIGHTS 50X1401400 0.161
ACRES ACQ 08042015, Howard County

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

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

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

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

Corrective Action Sought by Code Compliance

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

Demolish and Remove
of structure(s).

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

Issued by

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, October 24, 2023** at the City Council Chambers located at **307 E 4th St., Big Spring, Texas 79720**. You are encouraged to attend this hearing to demonstrate the scope of work that may be required to comply with the Building Codes and the time it will take to reasonably perform the work.

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

SECTION A-1.10. Rights of Parties

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

Section C-9.02 (c)The City Attorney shall present the case for the City. If the City Attorney is recused or disqualified, the City Manager shall determine who shall present the case for the City.

YOU HAVE A RIGHT TO APPEAL THE DECISION OF THE HEARING BOARD. If the Hearing Board enters an order to abate the violation(s) at the structure(s) at the property, the order is preliminary, allowing you to appeal the order to District Court within thirty (30) days pursuant to Section 8.03 of the Structural Standards Ordinance of the Big Spring City Code. If you fail to appeal the Hearing Board's ruling within that time, such order shall become the final order.

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

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

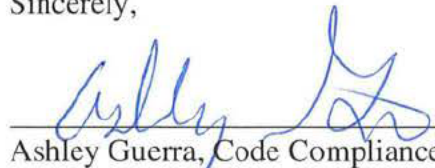
NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless,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

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

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

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

Sincerely,



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

Exhibit C-7



Code Enforcement

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

NOTICE OF PUBLIC HEARING CONCERNING PUBLIC NUISANCE

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052 ACQ 62282022 BLK/TRACT 3315 0.149 ACRES - OWNER: LIT 3-5 BK 4

4005 W HWY 80, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: LT 3-5 BK 4 WRIGHTS AIRPORT 175X130 MITCHEM SALVAGE YARD 021 BLK/TRACT 4 0.254 ACRES ACQ 11122014 COMBINED 287591, 287589, 287588 WITH 87590 - OWNER: JAMES ORN

2208 MAIN ST, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: LT 4 BK 18 BAUER HEIGHTS 50X140 1400 0.161 ACRES ACQ 08042015 - OWNER: HET, LLC

507 NW 8TH ST, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: LT 7 BK 20 BAUER HEIGHTS 50X140 531 BLK/TRACT 19 0.161 ACRES - OWNER: GUCEMINO M DEANDA

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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, Building Official, City of Big Spring



Code Enforcement

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

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507 NW 8TH ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 4 BK 19 BAUER 50X140 531 BLK/TRACT 19 0.161 ACRES – OWNER: GUCEMINDO M. DEANDA

610 NW 7TH ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 7 BK 20 BAUER 60X140 515 BLK/TRACT 20 0.193 ACRES – OWNER: VENTURA A CALDERON and CONCEPION CALDERON

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

507 NW 8TH

Code Compliance Official: Ashley Guerra

Exhibit D-1

STATE OF TEXAS

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COUNTY OF HOWARD

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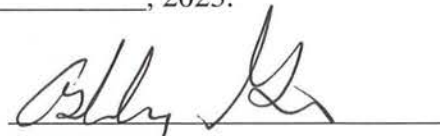
**AFFIDAVIT OF ASHLEY GUERRA
CONCERNING 507 NW 8TH**

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

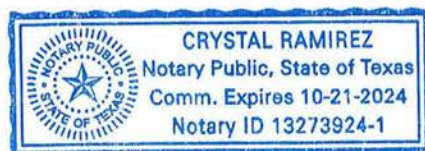
“My name is **Ashley Guerra**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

“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 **507 NW 8TH**, 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 17 day of October, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 17 day of October, 2023 by the above referenced Affiant.



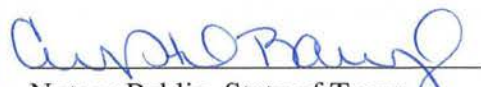

Notary Public, State of Texas

Exhibit D-2

Property Details

Account		
Property ID:	277036	Geographic ID: B2280017300
Type:	Real	Zoning:
Property Use:		Condo:
Location		
Situs Address:	507 NW 8TH	
Map ID:		Mapsco:
Legal Description:	LT 4 BK 19 BAUER 50X140 531 BLK/TRACT 19 0.161 ACRES	
Abstract/Subdivision:		
Neighborhood:	BAUR	
Owner ?		
Owner ID:	442146	
Name:	DEANDA G M (MRS)	
Agent:		
Mailing Address:	,	
% Ownership:	100.0%	
Exemptions:	HS - HOMESTEAD For privacy reasons not all exemptions are shown online.	

Property Values

Improvement Homesite Value:	\$28,337 (+)
Improvement Non-Homesite Value:	\$0 (+)
Land Homesite Value:	\$2,200 (+)
Land Non-Homesite Value:	\$0 (+)
Agricultural Market Valuation:	\$0 (+)
Market Value:	\$30,537 (=)

3700

about:blank

Parkway

Albert Deanda (son)

Agricultural Value Loss:?	\$0 (-)
Appraised Value:	\$30,537 (=)
Homestead Cap Loss: ?	\$12,292 (-)
Assessed Value:	\$18,245
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: DEANDA G M (MRS) %Ownership: 100.0%

Entity	Description	Tax Rate	Market Value	Taxable Value	Estimated Tax	Freeze Ceiling
01H	HOWARD COUNTY	0.238916	\$30,537	\$13,245	\$31.64	
02B	CITY OF BIG SPRING	0.673163	\$30,537	\$13,245	\$89.16	
03B	BIG SPRING ISD	0.930900	\$30,537	\$0	\$0.00	\$0.00
052	HOWARD COLLEGE	0.168395	\$30,537	\$13,245	\$22.30	

Total Tax Rate: 2.011374

Estimated Taxes With Exemptions: \$143.10

Estimated Taxes Without Exemptions: \$614.21

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
507 NW 8TH CASE NOTES**

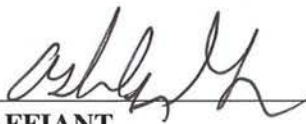
“This record, attached as **Exhibit D-3**, was made at or near the time by – or from information transmitted by a person or persons with the City with knowledge.

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.”

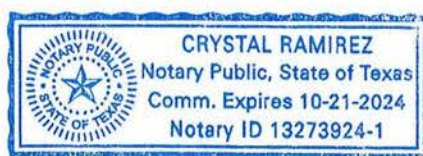
SIGNED on the 17 day of October, 2023.



AFFIANT

SWORN TO AND SUBSCRIBED before me this 17 day of October, 2023

by the above referenced Affiant.





Notary Public, State of Texas



CASE NOTES

Report Run On: Wednesday, 27
September 2023 11:04

Case # 23-00000065

Parcel # : 277036

Site Address: 507 NW 8TH

Case Description: SUBSTANDARD BUILDINGS IN BACK YARD

Note Type	Note Code	Text	Created By	Begin Date	End Date
SITE VISIT		WENT BACK FOR RINSPECTION ON 9-26-23 NO PROGRESS HAS BEEN MADE ALSO NO CATACT HAS BEEN MADE .	Ashley Guerra	09/26/23	
SITE VISIT		WENT BACK TO PROPERTY ON 9-8-23 FOR REINSPECTION NO PROGRESS HAS BEEN MADDE ALSO HAVE HAD NO CONTACT WITH THE OWNER .	Ashley Guerra	09/08/23	
CORRECTIVE ACTION		TWO BUILDINGS IN THE BACK ARE SUB STANDARD AND NEED TO COME DOWN DEADLINE FOR COMPLIANCE SEVEN (7) DAYS FROM THE DATE OF MAILING	Ashley Guerra	08/23/23	
PHOTOS		PHOTOS OF SUB STRUCTURE	Ashley Guerra	08/23/23	
SITE VISIT		TWO BUILDINGS IN THE BACK ARE SUB STANDARD AND HAZARDOUS TO THE COMUNITY AND NEED TO BE TORN DOWN NOTICE OF VIOLATION WAS SENT OUT ON 8 -23-23	Ashley Guerra	08/23/23	

Exhibit D-3

STATE OF TEXAS

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COUNTY OF HOWARD

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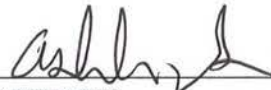
**CERTIFICATION OF
PHOTOGRAPHS BY ASHLEY GUERRA**

“With regard to the photographs in **Exhibits D-4** I am familiar with and recognize the scene depicted in the photographs. On 8, 23, 2023 and 9, 23, 2023, I inspected the property described as:

LT 4 BK 19 BAUER 50X140 531 BLK/TRACT 19 0.161 ACRES Big Spring,
Howard County, Texas, also known as **507 NW 8TH**, Big Spring, Texas.

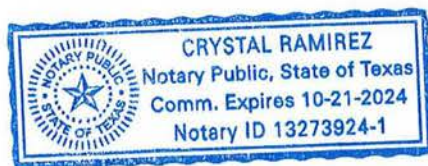
Each of the photographs is a fair and accurate depiction of the scene at the relevant time.”

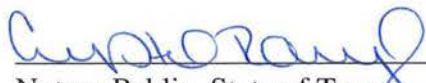
SIGNED on the 17 day of October, 2023.



AFFIANT

SWORN TO AND SUBSCRIBED before me this 17 day of October, 2023
by the above referenced Affiant.





Notary Public, State of Texas

Exhibit D-4



August 23, 2015 10:29 AM



August 23, 2023 10:34 AM









September 26, 2023 2:34 PM



September 26, 2023 2:35 PM

Exhibit D-5

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
NOTICE SENT BY ASHLEY GUERRA**

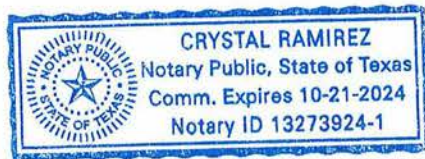
“The document in **Exhibit D-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

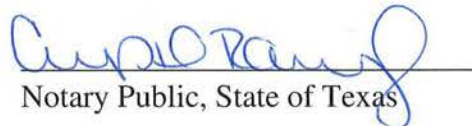
Certified Mail Return for **Exhibit D-6** is also attached.

SIGNED on the 17 day of October, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 17 day of October, 2023
by the above referenced Affiant.




Notary Public, State of Texas



City of Big Spring, TX
NOTIFICATION OF CODE VIOLATION

217 East 3rd St., Big Spring, TX 79720
Ph: 432-264-2504 Fax: 432-264-7024

FINAL NOTICE OF VIOLATION

23-00000065

DEANDA G M (MRS)
UNKNOWN
UNKNOWN, XX 00000

Subject Property: 507 NW 8TH , BIG SPRING, TX 00000
APN: 277036

Dear DEANDA G M (MRS)

This is a follow-up notice regarding the subject address where code violations persist. As you are aware, on you were sent a notice regarding this matter.

Your property was recently reinspected and no progress was observed. You must make the following correction(s) by or contact Code Enforcement to get this matter resolved promptly.

Municipal Code	Description	Corrective Action
----------------	-------------	-------------------

SUBSTANDARD STRUCTURE	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: 1.Structural members have deterioration or distress that appears to reduce their load-carrying capacity.2.The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations have deterioration or distress that appears to reduce their load-carrying capacity.3.Structures or components thereof have deterioration or distress that appears to reduce their load-carrying capacity.4.Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or watertight.5.Reserved.6.Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.7.Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.8.Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and in capable of supporting all nominal loads and resisting all load effects.9.Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects.10.Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.11.Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes, and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.12.Exterior stairs, decks, porches, balconies, and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.13.Chimneys, cooling towers, smokestacks, and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.	TWO BUILDINGS IN THE BACK ARE SUB STANDARD AND NEED TO COME DOWN DEADLINE FOR COMPLIANCE SEVEN (7) DAYS FROM THE DATE OF MAILING
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After , an inspection of your property will take place to verify compliance. Should this notice resolve the concern, no further action will be taken. However, please be advised, if a property owner or resident does not comply, further code enforcement action will be required.

Should you have questions regarding this notice, you may contact the undersigned at 432-264.2505 or by email at aguerra@mybigspring.com.

Thank you for helping to resolve this matter.

Sincerely,

Ashley Guerra
Code



NOTICE OF VIOLATION AND NOTICE OF HEARING

Sent via: Certified Mail; Return Receipt Requested

October 13, 2023

GUCEMINDO M DEANDA
507 NW 8TH
BIG SPRING, TX 79720

Re: 507 NW 8TH, BIG SPRING, TEXAS 79720
LEGAL DESCRIPTION: LT 4 BK 19 BAUER 50X140 531 BLK/TRACT 19 0.161
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: 11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.	The building had fire damage to the roof that has not been repaired. Hazardous condition.
304.1.1 UNSAFE CONDITIONS. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and in capable of supporting all nominal loads and resisting all load effects.	The roof appears to admit rain and has signs of deterioration. Unsafe condition.
304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have	The roof has defects that admit rain and is not sound and not tight.

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

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

Corrective Action Sought by Code Compliance

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

Demolish and Remove
of structure(s).

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

Issued by

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, October 24, 2023** at the City Council Chambers located at **307 E 4th St., Big Spring, Texas 79720**. You are encouraged to attend this hearing to demonstrate the scope of work that may be required to comply with the Building Codes and the time it will take to reasonably perform the work.

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

SECTION A-1.10. Rights of Parties

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

(b) Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this State.

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

(d) Rights of Parties. Each party shall have the following rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the hearing;
2. To introduce documentary and physical evidence;
3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
4. To impeach any witness regardless of which party first called him to testify;
5. To rebut the evidence against him;
6. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

Section C-9.02 (c)The City Attorney shall present the case for the City. If the City Attorney is recused or disqualified, the City Manager shall determine who shall present the case for the City.

YOU HAVE A RIGHT TO APPEAL THE DECISION OF THE HEARING BOARD. If the Hearing Board enters an order to abate the violation(s) at the structure(s) at the property, the order is preliminary, allowing you to appeal the order to District Court within thirty (30) days pursuant to Section 8.03 of the Structural Standards Ordinance of the Big Spring City Code. If you fail to appeal the Hearing Board's ruling within that time, such order shall become the final order.

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

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

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

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

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

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

Sincerely,



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

Exhibit D-7



Code Enforcement

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

NOTICE OF PUBLIC HEARING CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD WILL HOLD A PUBLIC HEARING ON OCTOBER 24th, 2023, AT 5:30 P.M. IN THE CITY OF BIG SPRING COUNCIL CHAMBERS AT 307 E 4th ST., BIG SPRING, TEXAS 79720 TO CONSIDER ABATEMENT OF PUBLIC NUISANCES ON PROPERTIES IN THE CITY OF BIG SPRING, TEXAS. ALL INTERESTED PERSONS MAY SPEAK, THEN A DETERMINATION WILL BE MADE AND REMEDIAL ACTION ORDERED ON THE FOLLOWING PROPERTIES:

4209 OAK ST, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: LT 5 BK 3 MESA 50X130 052 ACQ 02282022 BLK/TRACT 3315 0.149 ACRES- OWNER: RAUL MARQUEZ

4095 W HWY 80, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: LTS 3-5 BK 4 WRIGHTS AIRPORT 75X130 MITCHEM SALVAGE YARD 021 BLK/TRACT 4 0.224 ACRES ACQ 11132014 COMBINED 287591, 287589, 287588 WITH 87590 598- OWNER: JAMES ORN

2208 MAIN ST, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: LT 5 BK 3I COLLEGE HEIGHTS 50X140 1400 0.161 ACRES ACQ 08042015- OWNER: HET, LLC

507 NW 6th ST, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: LT 4 BK 19 BAUER 50X140 531 BLK/TRACT 19 0.161 ACRES - OWNER: GUCEMINDO M. DEANDA

616 NW 7th ST, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: LT 7 BK 20 BAUER 50X140 515 BLK/TRACT 20 0.193 ACRES - OWNER: VENTURA A CALDERON and CONCEPCION CALDERON

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, Building Official, City of Big Spring



October 13, 2023 2:59 PM



October 13, 2023 2:59 PM



Code Enforcement

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

NOTICE OF PUBLIC HEARING CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD WILL HOLD A PUBLIC HEARING ON OCTOBER 24TH, 2023, AT 5:30 P.M., IN THE CITY OF BIG SPRING COUNCIL CHAMBERS AT 307 E 4th ST., BIG SPRING, TEXAS 79720 TO CONSIDER ABATEMENT OF PUBLIC NUISANCES ON PROPERTIES IN THE CITY OF BIG SPRING, TEXAS. ALL INTERESTED PERSONS MAY SPEAK, THEN A DETERMINATION WILL BE MADE AND REMEDIAL ACTION ORDERED ON THE FOLLOWING PROPERTIES:

4209 OAK ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 5 BK 3 MESA 50X130 052 ACQ 02282022 BLK/TRACT 331S 0.149 ACRES- OWNER: RAUL MARQUEZ

4005 W HWY 80, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LTS 3-5 BK 4 WRIGHTS AIRPORT 75X130 MITCHEM SALVAGE YARD 021 BLK/TRACT 4 0.224 ACRES ACQ 11132014 COMBINED 287591, 287589, 287588 WITH 87590 .598–OWNER: JAMES ORN

2208 MAIN ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 5 BK 31 COLLEGE HEIGHTS 50X140 1400 0.161 ACRES ACQ 08042015– OWNER: HET, LLC

507 NW 8TH ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 4 BK 19 BAUER 50X140 531 BLK/TRACT 19 0.161 ACRES – OWNER: GUCEMINDO M. DEANDA

610 NW 7TH ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 7 BK 20 BAUER 60X140 515 BLK/TRACT 20 0.193 ACRES – OWNER: VENTURA A CALDERON and CONCEPION CALDERON

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

610 NW 7TH

Code Compliance Official: Ashley Guerra

Exhibit E-1

STATE OF TEXAS

§

COUNTY OF HOWARD

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**AFFIDAVIT OF ASHLEY GUERRA
CONCERNING 610 NW 7TH**

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 **610 NW 7TH**, Big Spring, Texas. These are exact duplicates of original records. The records were made at or near the time of each act, event, or finding set forth. The records were made by, or from information transmitted by, persons with knowledge of the matters set forth. The records were kept in the course of regularly conducted business activity. It is the regular practice of the business activity to make the records.”

SIGNED on the 17 day of October, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 17 day of October, 2023 by the above referenced Affiant.


Notary Public, State of Texas

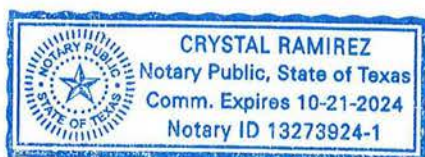


Exhibit E-2

Property Details

Account		
Property ID:	277052	Geographic ID: B2280018800
Type:	Real	Zoning:
Property Use:		Condo:
Location		
Situs Address:	610 NW 7TH	
Map ID:		Mapsco:
Legal Description:	LT 7 BK 20 BAUER 60X140 515 BLK/TRACT 20 0.193 ACRES	
Abstract/Subdivision:		
Neighborhood:	BAUR	
Owner ?		
Owner ID:	442151	
Name:	COLDERON VENTURA A	
Agent:		
Mailing Address:	1602 WREN BIG SPRING, TX 79720	
% Ownership:	100.0%	
Exemptions:	For privacy reasons not all exemptions are shown online.	

Property Values

Improvement Homesite Value:	\$22,430 (+)
Improvement Non-Homesite Value:	\$0 (+)
Land Homesite Value:	\$2,640 (+)
Land Non-Homesite Value:	\$0 (+)
Agricultural Market Valuation:	\$0 (+)
Market Value:	\$25,070 (=)
Agricultural Value Loss: ?	\$0 (-)

Appraised Value:	\$25,070 (=)
Homestead Cap Loss: ?	\$0 (-)
Assessed Value:	\$25,070
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: COLDERON VENTURA **%Ownership:** 100.0%

Entity	Description	Tax Rate	Market Value	Taxable Value	Estimated Tax	Freeze Ceiling
01H	HOWARD COUNTY	0.208716	\$25,070	\$25,070	\$52.33	
02B	CITY OF BIG SPRING	0.636039	\$25,070	\$25,070	\$159.45	
03B	BIG SPRING ISD	0.763200	\$25,070	\$25,070	\$191.33	
052	HOWARD COLLEGE	0.154789	\$25,070	\$25,070	\$38.81	

Total Tax Rate: 1.762744

Estimated Taxes With Exemptions: \$441.92

Estimated Taxes Without Exemptions: \$441.92

STATE OF TEXAS

§

COUNTY OF HOWARD

§

§

CERTIFICATION
610 NW 7TH CASE NOTES

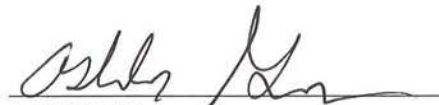
“This record, attached as **Exhibit E-3**, was made at or near the time by – or from information transmitted by a person or persons with the City with knowledge.

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

Making this record was a regular practice of that activity.

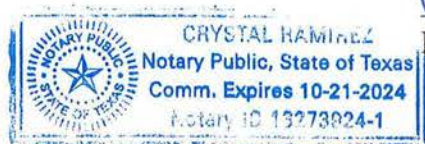
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout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

SIGNED on the 17 day of October, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 17 day of October, 2023

by the above referenced Affiant.




Notary Public, State of Texas

Exhibit E-3



CASE NOTES

Page 1 of 1

Report Run On: Friday, 06 October
2023 16:13

Case # 23-00000132

Parcel # : 277052

Site Address: 610 NW 7TH

Case Description: SUBSTANDARD STRUCTURE

Note Type	Note Code	Text	Created By	Begin Date	End Date
GENERAL		sent to legal on 10-6-23	Ashley Guerra	10/06/23	
PHOTOS		RESINSPECT ON 10-2-23 TREE HAS BEEN REMOVED BUT STRUCTURE IS STILL UNSOUND IVE HAD NO CONTACT WITH THE OWNER	Ashley Guerra	10/02/23	
SITE VISIT		upon complaint went to property noticed substandard structure.	Ashley Guerra	09/07/23	
CORRECTIVE ACTION		on 9-7-23 went to property noticed a substandard structure, this house has a huge hole in the roof and is hazardous and dangerous to the public DEADLINE FOR COMPLIANCE SEVEN (7) DAYS FROM DATE OF MAILING	Ashley Guerra	09/07/23	
GENERAL		pictures from 610 nw 7th	Ashley Guerra	09/07/23	

STATE OF TEXAS

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COUNTY OF HOWARD

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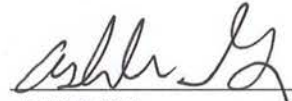
**CERTIFICATION OF
PHOTOGRAPHS BY ASHLEY GUERRA**

“With regard to the photographs in **Exhibits E-4** I am familiar with and recognize the scene depicted in the photographs. On 9, 7, 2023 and 10, 2, 2023, I inspected the property described as:

LT 7 BK 20 BAUER 60X140 515 BLK/TRACT 20 0.193 ACRES Big Spring,
Howard County, Texas, also known as **610 NW 7TH**, Big Spring, Texas.

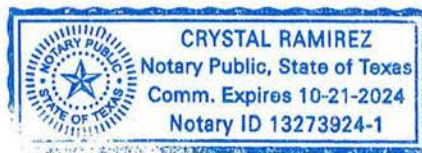
Each of the photographs is a fair and accurate depiction of the scene at the relevant time.”

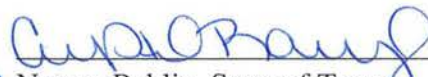
SIGNED on the 17 day of October, 2023.



AFFIANT

SWORN TO AND SUBSCRIBED before me this 17 day of October, 2023
by the above referenced Affiant.





Notary Public, State of Texas

Exhibit E-4







September 7, 2023 1:03 PM

Page 183 of 232











Exhibit E-5

STATE OF TEXAS

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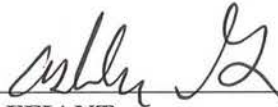
COUNTY OF HOWARD

**CERTIFICATION
NOTICE SENT BY ASHLEY GUERRA**

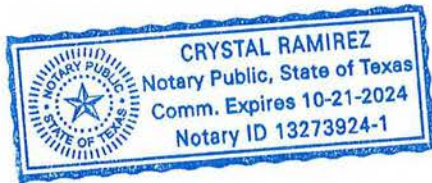
“The document in **Exhibit E-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

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

SIGNED on the 17 day of October, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 17 day of October, 2023
by the above referenced Affiant.




Notary Public, State of Texas

Exhibit E-6



City of Big Spring, TX
NOTIFICATION OF CODE VIOLATION
217 East 3rd St., Big Spring, TX 79720
Ph: 432-264-2504 Fax: 432-264-7024

FINAL NOTICE OF VIOLATION

23-00000132

COLDERON VENTURA A
1602 WREN
BIG SPRING, TX 79720

Subject Property: 610 NW 7TH , BIG SPRING, TX 00000
APN: 277052

Dear COLDERON VENTURA A

This is a follow-up notice regarding the subject address where code violations persist. As you are aware, on you were sent a notice regarding this matter.

Your property was recently reinspected and no progress was observed. You must make the following correction(s) by or contact Code Enforcement to get this matter resolved promptly.

Municipal Code	Description	Corrective Action
----------------	-------------	-------------------

SUBSTANDARD STRUCTURE	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: 1.Structural members have deterioration or distress that appears to reduce their load-carrying capacity.2.The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations have deterioration or distress that appears to reduce their load-carrying capacity.3.Structures or components thereof have deterioration or distress that appears to reduce their load-carrying capacity.4.Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or watertight.5.Reserved.6.Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.7.Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.8.Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and in capable of supporting all nominal loads and resisting all load effects.9.Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects.10.Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.11.Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes, and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.12.Exterior stairs, decks, porches, balconies, and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.13.Chimneys, cooling towers, smokestacks, and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.	on 9-7-23 went to property noticed a substandard structure, this house has a huge hole in the roof and is hazardous and dangerous to the public DEADLINE FOR COMPLIANCE SEVEN (7) DAYS FROM DATE OF MAILING
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After , an inspection of your property will take place to verify compliance. Should this notice resolve the concern, no further action will be taken. However, please be advised, if a property owner or resident does not comply, further code enforcement action will be required.

Should you have questions regarding this notice, you may contact the undersigned at 432-264.2505 or by email at aguerra@mybigspring.com.

Thank you for helping to resolve this matter.

Sincerely,

Ashley Guerra
Code

A handwritten signature in cursive script, appearing to read "Ashley Guerra".



NOTICE OF VIOLATION AND NOTICE OF HEARING

Sent via: Certified Mail; Return Receipt Requested

October 13, 2023

VENTURA A CALDERON & CONCEPCION CALDERON
1602 WREN
BIG SPRING, TX 79720

Re: 610 NW 7TH, BIG SPRING, TEXAS 79720
LEGAL DESCRIPTION: LT 7 BK 20 BAUER 60X140 515 BLK/TRACT 20 0.193
ACRES, Howard County

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

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

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

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

Corrective Action Sought by Code Compliance

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

Demolish and Remove
of structure(s).

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

Issued by

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, October 24, 2023** at the City Council Chambers located at **307 E 4th St., Big Spring, Texas 79720**. You are encouraged to attend this hearing to demonstrate the scope of work that may be required to comply with the Building Codes and the time it will take to reasonably perform the work.

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

SECTION A-1.10. Rights of Parties

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

(b) Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this State.

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

(d) Rights of Parties. Each party shall have the following rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the hearing;
2. To introduce documentary and physical evidence;
3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
4. To impeach any witness regardless of which party first called him to testify;
5. To rebut the evidence against him;
6. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

Section C-9.02 (c)The City Attorney shall present the case for the City. If the City Attorney is recused or disqualified, the City Manager shall determine who shall present the case for the City.

YOU HAVE A RIGHT TO APPEAL THE DECISION OF THE HEARING BOARD. If the Hearing Board enters an order to abate the violation(s) at the structure(s) at the property, the order is preliminary, allowing you to appeal the order to District Court within thirty (30) days pursuant to Section 8.03 of the Structural Standards Ordinance of the Big Spring City Code. If you fail to appeal the Hearing Board's ruling within that time, such order shall become the final order.

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

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

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

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

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

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

Sincerely,

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

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

Exhibit E-7



October 13, 2023 2:51 PM



Code Enforcement

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

NOTICE OF PUBLIC HEARING CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD WILL HOLD A PUBLIC HEARING ON OCTOBER 24TH, 2023, AT 5:30 P.M., IN THE CITY OF BIG SPRING COUNCIL CHAMBERS AT 307 E 4TH ST., BIG SPRING, TEXAS 79720 TO CONSIDER ABATEMENT OF PUBLIC NUISANCES ON PROPERTIES IN THE CITY OF BIG SPRING, TEXAS. ALL INTERESTED PERSONS MAY SPEAK, THEN A DETERMINATION WILL BE MADE AND REMEDIAL ACTION ORDERED ON THE FOLLOWING PROPERTIES:

4209 OAK ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 5 BK 3 MESA 50X130 052 ACQ 02282022 BLK/TRACT 331S 0.149 ACRES- OWNER: RAUL MARQUEZ

4005 W HWY 80, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LTS 3-5 BK 4 WRIGHTS AIRPORT 75X130 MITCHEM SALVAGE YARD 021 BLK/TRACT 4 0.224 ACRES ACQ 11132014 COMBINED 287591, 287589, 287588 WITH 87590 .598–OWNER: JAMES ORN

2208 MAIN ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 5 BK 31 COLLEGE HEIGHTS 50X140 1400 0.161 ACRES ACQ 08042015– OWNER: HET, LLC

507 NW 8TH ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 4 BK 19 BAUER 50X140 531 BLK/TRACT 19 0.161 ACRES – OWNER: GUCEMINDO M. DEANDA

610 NW 7TH ST, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 7 BK 20 BAUER 60X140 515 BLK/TRACT 20 0.193 ACRES – OWNER: VENTURA A CALDERON and CONCEPION CALDERON

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

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

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

The City Council of the City of Big Spring, Texas, met in a REGULAR AGENDA in the City Council Chambers located at 307 E. 4th St., Big Spring, Texas, at 5:30 PM, October 10, 2023, with the following members present in person:

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

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

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

Open Session

Call to Order

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

Invocation

Jonathan Raffini, First Baptist Church, gave the invocation.

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

Mayor Moore led the pledge of allegiance to the United States Flag and to the Texas State Flag.

Public Comment

Public Comment

There was no public comments at this time.

City Manager's Report

City Manager's report on the following items:

- Large Item Pickup, District 4 - Oct. 18th
- Update on County Meeting

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

Consent Items

Approval of the City Council Minutes of the Regular Meeting of September 26, 2023 and of the Two Special Meetings on October 2, 2023.

Acknowledge Receipt of the Big Spring Economic Development Corporation Board of Directors Minutes for the Regular Meeting of August 15, 2023

Final Reading of a Resolution Designating the Following as Nominees for the Position of Director on the Howard Central Appraisal District Board of Directors for the Years 2024 and 2025; and Providing for an Effective Date

Final Reading of a Resolution to Temporarily Amend the Personnel Policies of the City of Big Spring to Provide for a One-Time Retention Stipend of \$1,500.00 to Employees Continuously Employed Between October 16, 2023 and October 20, 2023 to be Paid from Current Funds; and Finding and Determining that the Meetings at Which the Resolution were Discussed were Open to the Public as Required by Law; and Establishing an Effective Date

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

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

NAYS: None

MOTION PASSED

Vouchers

Vouchers for 09/28/23 \$ 260,047.26

Council Member Hughes reviewed the above captioned vouchers.

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

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

NAYS: None

MOTION PASSED

Vouchers for 10/05/23 \$ 1,242,379.13

Drafts \$ 870,898.27

Council Member McDonald reviewed the above captioned vouchers.

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

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

NAYS: None

MOTION PASSED

Bids

Consideration and Possible Action on Awarding a Bid for a 14 Yard Dump Truck 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 Rush Truck Center in the amount of \$192,475.53, seconded by Council Member McDonald.

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

NAYS: None

MOTION PASSED

Consideration and Possible Action on Awarding a Bid for a Roll Off Truck 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 Rush Truck Center in the amount of \$269,795.26, seconded by Council Member McDonald.

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

Smith
NAYS: None

MOTION PASSED

Consideration and Possible Action on Awarding a Bid for the Oak Glen Drive Asphalt Paving Project 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 Permian Paving, Inc. in the amount of \$65,123.43, seconded by Council Member Smith.

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

MOTION PASSED

New Business

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

Council Members acknowledged receipt of the above quarterly claims from the City Attorney.

Consideration and Possible Action of the Big Spring Economic Development Corporation Annual Report for 2023

Mark Willis, Executive Director of the Big Spring Economic Development Corporation, presented the annual report for 2023. No action was taken.

Consideration and Possible Action to Accept a Donation from Invenergy (Gunsight Mountain) Wind Energy LLC to the Big Spring Fire Department

MOTION WAS MADE BY Council Member Smith to accept the above captioned donation in the amount of \$1,500.00, seconded by Council Member Hughes.

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

MOTION PASSED

Consideration and Possible Action Authorizing Event Funding Request from CVB for Oktoberfest

MOTION WAS MADE BY Council Member Tompkins to approve the above captioned event funding request, seconded by Council Member McDonald.

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

Council Member McDonald, Council Member Tompkins, Council Member Smith 0
NAYS: None

MOTION PASSED

Consideration and Possible Action to Confirm City Manager's Appointment of Fire Chief
MOTION WAS MADE BY Council Member Hughes to confirm the City Manager's appointment of Fire Chief to Jay Holt, seconded by Council Member Tompkins.

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

MOTION PASSED

Consideration and Possible Action to Extend with Amendments the Real Estate Service Agreement with Texas Communities Group, LLC to September 30, 2024 and Authorizing the City Manager or His Designee to Execute any Necessary Documents
MOTION WAS MADE BY Council Member Hughes to approve the above captioned agreement, seconded by Council Member Smith.

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

MOTION PASSED

Consideration and Possible Action Regarding an Agreement with JustFOIA, Inc. for the Purchase of JustFOIA Software and Authorizing the City Manager or His Designee to Execute Any Necessary Documents

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

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

MOTION PASSED

First Reading of an Ordinance Repealing Chapter 34, Section 34-5 "Attorneys Representing the State in Criminal Prosecutions," from the Big Spring City Code in Recognition of State Law Now Providing for an Attorney Pro Tem to be Appointed in the Event One is not Available in the Municipal Court, Providing for Repeal of Conflicting Ordinances; Providing for Severability Clause; Finding and Determining that the Meetings at Which the Ordinance was Discussed were Open to the Public as Required by Law; and Establishing an Effective Date

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BIG SPRING, TEXAS, REPEALING CHAPTER 34, SECTION 34-5, "ATTORNEYS REPRESENTING THE STATE IN CRIMINAL PROSECUTIONS," FROM THE BIG SPRING CITY CODE IN RECOGNITION OF STATE LAW NOW PROVIDING FOR AN ATTORNEY PRO TEM TO BE APPOINTED IN THE EVENT ONE IS NOT AVAILABLE IN THE MUNICIPAL COURT, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH THE ORDINANCE WAS DISCUSSED WERE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, state law requires a prosecutor for each criminal case and proceeding in a municipal court, and requires that the primary duty of a municipal prosecutor is not to convict, but to see that justice is done under Article 45.201, Texas Code of Criminal Procedure; and

WHEREAS, Municipal courts had been authorized to appoint an attorney pro tem to represent the State when the municipal prosecutor was disqualified or absent, but in 2019, the Texas Legislature enacted S.B. 341 amending Article 2.07, Code of Criminal Procedure, withdrawing the authority of a municipal court judge to appoint a prosecutor if needed (attorney pro tem), or leaving such authority unclear; and

WHEREAS, in 2020, the City Council of Big Spring adopted Ordinance 040-2020, authorizing a prosecutor (attorney pro tem) to be appointed when needed, drawing upon the home rule authority of the City; and

WHEREAS, in 2023, the Texas Legislature enacted H.B. 1603, effective September 1, 2023, to restore the authority of municipal court judges to appoint a prosecutor (attorney pro tem) if needed; and

WHEREAS, City Council finds it advisable to repeal the ordinance:

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

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

SECTION 2. Section 34-5, "Attorneys representing the state in criminal prosecutions," Chapter 34, "Municipal Court, Big Spring City Code, is hereby repealed.

Big Spring City Code
Chapter 34

Sec. 34-5.— Attorneys representing the state in criminal prosecutions.

~~(1) The city attorney shall serve as the municipal prosecutor and represent the State in all prosecutions before the Municipal Court.~~

~~(2) City council may appoint one or more deputy municipal prosecutors, fix the compensation thereof, and terminate the appointment for any reason.~~

~~(3) Whenever the municipal prosecutor and any deputy municipal prosecutors are disqualified to act in any case or proceeding, or are otherwise unable to perform the duties of the office, or in any instance where there is no municipal prosecutor or deputy municipal prosecutor; and whenever the Howard County Attorney or other attorney authorized by state law has not stated an intent to undertake this duty; the Judge of the Municipal Court may appoint any competent attorney to perform the duties of prosecutor as attorney pro tem during the absence or disqualification.~~

~~(4) An attorney pro tem appointed under subsection (3) is entitled to compensation fixed by the Judge of the Municipal Court based on the sworn testimony of the attorney or other evidence that is given in open court. An attorney pro tem may be dismissed by the Judge of the Municipal Court for good cause.~~

~~(5) A prosecutor who is not disqualified to act may request the Municipal Court to permit the attorney's recusal in a case for good cause, and upon approval by the Court, the attorney is disqualified.~~

~~(6) It shall be the primary duty of all prosecutors not to convict, but to see that justice is done.~~

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.

SECTION 4. Should any one or more sections or clauses of this Ordinance be adjudged unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

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

SECTION 7. This Ordinance shall take effect immediately after passage in accordance with the provisions of the Charter of the City of Big Spring, and it is accordingly so ordained.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the 10th day of October, 2023 with all members of the Council present voting “aye” for the passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the 27th day of October, 2023 with all members of the Council present voting “aye” for the passage of same.

Robert H. Moore III, Mayor

ATTEST:

Tami L. Davis, City Secretary



INTEROFFICE MEMORANDUM

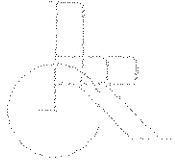
Date: October 24, 2023
To: Mayor Robert H. Moore, Big Spring City Council, and Todd Darden, City Manager
From: Albert Belez, Purchasing Agent
Subject: Right Hand Drive Sideload Trash Truck

On Tuesday, October 11, 2023, at the request of the city's Sanitation Department, the City of Big Spring Purchasing Department sought out pricing and availability for one) right hand drive sideload trash truck. We received a quote of \$332,889.00 from Bond Equipment Company Inc. of Dallas, Texas. The submitted quote is a BuyBoard Cooperative quote.

Staff Recommendation: Due to price and uncertainty in the current supply chain, city staff recommend that the City Council accept the formal quote from Bond Equipment Company and proceed with the purchase.

Note: The quoted trash truck would be available mid-February 2024. This item has an approved budget of \$420,000.00, a difference of \$87,111.00.

Dora Roberts Rehabilitation Center



LETTER OF DONATION

Dora Roberts Rehabilitation Center Board of Directors is committed to promoting inclusivity, accessibility, and the well-being of all residents, and we believe that contributing to the creation of an inclusive playground is a worthy endeavor.

Our organization has long been dedicated to improving the lives of individuals and we look forward to partnering with the City of Big Spring to provide recreational opportunities for all; regardless of age, physical ability, or community. As such, we wish to provide a one-time cash donation of \$750,000 to assist in the purchase and placement of specialized inclusive playground equipment at Comanche Trail Park. Our contribution signifies our recognition of the importance of accessible play spaces for children and families of all abilities and we designate that the funds can be used for:

- Planning
- Site preparation
- Procurement of ADA- compliant playground equipment.
- Installation
- Certification by a CPSI (Certified Playground Safety Inspector)
- Labor
- Purchase and installation of a recognition plaque

We are confident in the City's ability to maintain and uphold the integrity of this new asset and know the new playground area will be a source of joy and unity for children and their families for many years to come.

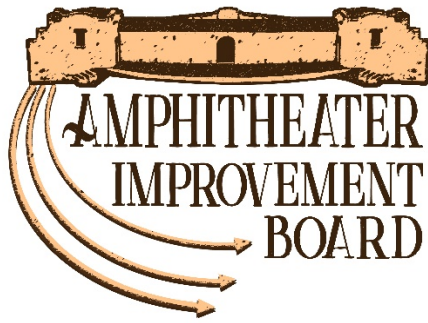
We kindly request that the City of Big Spring formally acknowledge and accept this donation. Likewise, we would appreciate it if you could provide us with the necessary information and/or documentation to facilitate this donation.

The Dora Roberts Rehabilitation Center Board of Directors looks forward to collaborating with the City of Big Spring on this meaningful project and continuing our commitment to enhancing the lives of all community members.

Should you have any questions or need additional information, please do not hesitate to contact me, Michelle Grove – Executive Director, at mgrove@mydrcc.com or (432) 267-3806. We eagerly await your response and any next steps required to formalize this donation.

Sincerely,

Michelle Grove
Executive Director



October 24, 2023

Dear Mayor and City Council,

The Comanche Trail Amphitheater Improvement Board (AIB) has been raising funds to complete necessary upgrades to the Comanche Trail Amphitheater. In 2020, necessary ADA upgrades were completed to the amphitheater and was funded by donations and grants made to the AIB. This was Phase 1 of the organized plan of improvement to Amphitheater.

Early this year, the AIB was granted donations by the Broughton Foundation and the Big Spring Area Community Foundation. These two donations added previous donation has given us the funding necessary to complete the Stage Cover and Stage Upgrades. This is known as Phase 2.

We have entered into a contract with Bulldog Steel to complete the roof upgrades and are asking City Council to approve the donation from the AIB to the City of Big Spring for the upgrades to the Comanche Trail Amphitheater.

Please reference the blueprints provided by Bulldog Steel along with the proposed budget and bank balance showing the sufficient funds.

Thank you,

Barney Dodd
President, Comanche Trail Amphitheater Improvement Board

11:14 AM

10/19/23

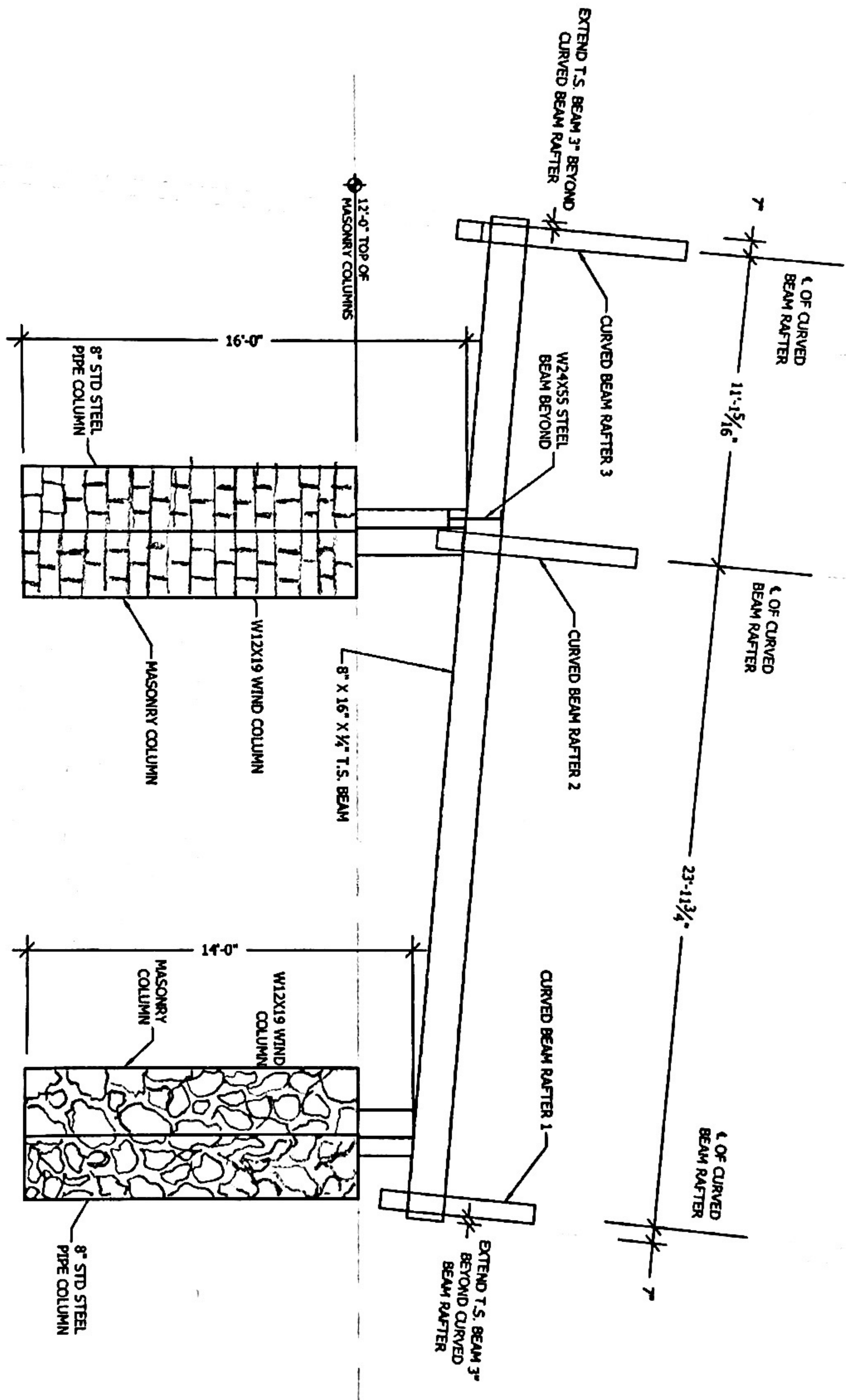
Accrual Basis

Amphitheater Improvement Board

Balance Sheet

As of October 19, 2023

	Oct 19, 23
ASSETS	
Current Assets	
Checking/Savings	
AIB Money Market	150,221.24
Amptheater Improvement Board	211,170.99
Total Checking/Savings	361,392.23
Total Current Assets	361,392.23
TOTAL ASSETS	361,392.23
LIABILITIES & EQUITY	
Equity	
Unrestricted Net Assets	202,279.40
Net Income	159,112.83
Total Equity	361,392.23
TOTAL LIABILITIES & EQUITY	361,392.23



SIDE ELEVATION

Scale: 1/4" = 1'-0"



Memorandum

To: Honorable Mayor, City Council, and City Manager

From: Chad Williams, Chief of Police

Date: October 18, 2023

Subject: Permission to Accept Donation from Broughton Foundation

This year, the Broughton Foundation is demonstrating its remarkable philanthropic commitment by generously allocating a sum of \$101,330.00 to the Big Spring Police Department. This generous contribution is earmarked for the procurement of patrol rifle systems, thereby streamlining the process for department officers to access this critical equipment. Before this invaluable donation, officers had to individually acquire their own rifles, incurring a personal financial burden.

With this unstinting support from the Broughton Foundation, the department will now be able to procure a uniform set of rifles and the accompanying accessories, ensuring uniformity and equipping each officer with the requisite tools for their duties.

The members of the Big Spring Police Department wish to extend their sincere and public gratitude to the Broughton Foundation for their unwavering commitment to our department and their invaluable investment in our community's safety.

In light of this benevolent gesture, the Big Spring Police Department is seeking City Council's authorization to accept this substantial contribution from the Broughton Foundation. Your thoughtful consideration of this request is deeply appreciated.



CITY OF
Big Spring

MEMORANDUM

Date: October 20, 2023

To: Mayor Moore, Big Spring City Council Members and Todd Darden, City Manager

From: Shane Bowles, Public Works Director

Re: Golf Course Donation

The City of Big Spring is requesting the acceptance of over \$5,000 for Circle H Auto Sales for the purchase of range balls for the municipal golf course. We would like to thank Circle H Auto Sales for the donation and continuing the support of the golf course. It is our recommendation to accept the donation as presented.

ORDINANCE NO. _____

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

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

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

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

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

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

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

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

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

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

SECTION 5. Should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby.

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

SECTION 7. This Ordinance shall become effective immediately.

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

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **24th** day of **October, 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 **14th** day of **November, 2023** with all members of the Council voting “aye” for the passage of same.

Robert H. Moore III, Mayor

ATTEST:

Tami L. Davis, City Secretary



Memorandum

Date: 09/24/2023

From: Sandy Smith, Finance Director

To: Mayor and City Council

Re: 2023-24 Budget Amendment

When the water office was renovated, we did not consider that the front door was not ADA compliant. Currently the front door swings toward the parking lot, which is very awkward for people in wheelchairs or on walkers to maneuver around to access the building.

To be ADA Compliant, the door needs to hang on the opposite side of the frame and swing open so the customers do not have to walk around the door to get into the building. In addition, we will need to install the open assist button.

This bid would correct the entryway issue, and we would be meet the ADA Compliance requirements. It is staff's recommendation that we amend the budget to allow us to remediate the problem and be ADA compliant with our Water Office entrance. (See attached bid)

Account 405-002-735-5311-000 (Maint. of Buildings) would be increased by \$7,000.00.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AMENDING ORDINANCE NUMBER 049-2023 WHICH ADOPTED THE ANNUAL BUDGET FOR THE CITY OF BIG SPRING, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024 BY INCREASING THE UTILITY FUND BUDGET FOR THE PURPOSE OF REPLACING THE FRONT DOOR TO ENSURE ADA COMPLIANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS the City Council adopted the annual 2023-24 budget for the City of Big Spring, Texas on September 26, 2023 (“Budget”); and

WHEREAS the City Manager and the Finance Director recommend that the City Council increase the Utility 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 Utility Fund Budget of the Annual Budget for the City of Big Spring, Texas for the Fiscal Year beginning October 1, 2023 and ending September 30, 2024 is hereby increased by the amount of \$7,000.00 to Department 405-002-735-5311-000 Maintenance of Buildings for the purpose of replacing the front door to meet ADA compliance. The net increase will be funded through the fund balance.

SECTION 2. The remaining portions of Ordinance Number 049-2023 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 **24th** day of **October, 2023** with all members of the Council present voting “aye” for the passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the **14th** day of **November, 2023** with all members of the Council present voting “aye” for the passage of same.

Robert H. Moore III, Mayor

ATTEST:

Tami L. Davis, City Secretary



Quote: 1504
Date: 10/16/23

MIDLAND GLASS
MIDLAND-GLASS.COM
4700 NORTHBROOK LANE SUITE B
MIDLAND TX 79707
(432)517-7118

Customer:

CITY OF BIG SPRINGS
204 S JOHNSON ST
BIG SPRING TX 79720

(432)264-2388
abelez@mybigspring.com

CSR	Tech	PO	Terms	Job #	Job Type
MANA			NET 30		

Qty	Dimension	Part/Description	Total
1.00		FLATGLASS MAIN DOOR SWINGING WRONG WAY OVERSIZED DOOR MS 300 SRS SNG CSTM Door 3-3/4 Top 10 Btm Rail Offset Pivot Includes: 1/4 in. Glass Stops Black/Bronze Anodized ~D3 4 10 M R3 O 2 DU C ~42" x 84" do hrso 3 ~p&i std ms lock ~p&i 3 1/4" midrail ~p&s push/pull combo ~allow for 1/2" threshold 2 1 ea F1FSOTDUC 1-3/4 x 4-1/2 Custom Up and Over Frame for Single Door Prep for Offset Pvt Threshold Included Black/Bronze Anodized ~F1 F S O R3 2 T DU C ~45 1/2" x 85 3/4" nfd ~42" x 84" do hrso 3 ~p&i std ms lock ~supply threshold	\$3,880.00
1.00		FLATGLASS INSTALL ADA BUTTON ENERGY SWING DOOR OPERATOR	\$2,850.00



Quote: 1504
Date: 10/16/23

MIDLAND GLASS
MIDLAND-GLASS.COM
4700 NORTHBROOK LANE SUITE B
MIDLAND TX 79707
(432)517-7118

Customer:

CITY OF BIG SPRINGS
204 S JOHNSON ST
BIG SPRING TX 79720

(432)264-2388
abelez@mybigspring.com

CSR	Tech	PO	Terms	Job #	Job Type
MANA			NET 30		

Taxes	
texas state	\$202.13

Job Location:
UTILITIES DEPT
410 E 3RD
BIG SPRING TX 79720

THANK YOU FOR YOUR TRUST IN MIDLAND GLASS
PLEASE LOOK OVER THIS QUOTE AND FEEL FREE TO GIVE A US A CALL TO DISCUSS YOUR OPTIONS.
HAVE A BLESSED DAY
JOE RUIZ OWNER

Signature _____

Taxes	Total	Payments	Balance
\$202.13	\$6,932.13	\$0.00	\$6,932.13

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, CASTING VOTE(S) TO ELECT DIRECTORS FOR THE HOWARD CENTRAL APPRAISAL DISTRICT FOR THE YEARS 2024 AND 2025; AND DIRECTING THE CITY SECRETARY TO SUBMIT THE OFFICIAL BALLOT TO THE CHIEF APPRAISER OF THE HOWARD CENTRAL APPRAISAL DISTRICT BEFORE DECEMBER 15, 2023.

WHEREAS, the City of Big Spring is a taxing unit entitled to vote in the election of the Howard Central Appraisal District Board of Directors, and therefore entitled to nominate and cast votes for candidates for election thereto pursuant to Texas Tax Code § 6.03;

WHEREAS, five (5) directors serving two-year terms beginning January 1st of even-number years are appointed by the taxing units participating in the district;

WHEREAS, the governing body of each taxing unit may cast all its votes for one candidate or distribute them among candidates for any number of directorships;

WHEREAS, the City of Big Spring is allocated 339.7 votes based on its 2022 tax levy; and

WHEREAS, the City Council of the City of Big Spring wishes to cast its votes for the election of the Board of Directors for the Howard Central Appraisal District for 2024-2025;

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

SECTION 1. The City Council casts its 339.7 votes for the following candidate(s) for the Howard Central Joint Tax Appraisal District Board of Directors for the years 2024 and 2025:

- 1. Mr. Mike Dawson votes
- 2. Mr. Scott Emerson votes
- 3. Mr. Noel Hoff votes
- 4. Mr. Jordan Partee votes
- 5. Mr. Craig Wyrick..... votes

SECTION 2. The City Secretary is hereby directed to submit this resolution to the Chief Appraiser of the Howard Central Appraisal District before **December 15, 2023.**

SECTION 3. 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 4. This Resolution shall become effective immediately according to law.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **24th** day of **October, 2023**, with all members of the Council present voting “aye” for passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the **14th** day of **November, 2023**, with all members of the Council present voting “aye” for passage of same.

Robert H. Moore III, Mayor

ATTEST:

Tami L. Davis, City Secretary



HOWARD CENTRAL APPRAISAL DISTRICT

Clarissa Teichman, RPA
Chief Appraiser

October 19, 2023

Enclosed is a resolution I am asking you to provide to your governing body which may be used to vote for members of the Board of Directors of the Howard Central Appraisal District. The number of votes available to your tax unit is listed on the allocation sheet and may be allocated in any way your governing body desires among the nominees. The resolution should be placed on an agenda of your governing body, and when approved, be sent back to me as election administrator.

The resolution should be completed no later than December 14. You may send it to Howard Central Appraisal District, PO Box 1151 Big Spring, TX 79721-1151, attach to an e-mail address cteichman@howardcad.org or deliver to our office at 315 Main St. Big Spring, TX.

The nominees are:

DAWSON, MIKE
EMERSON, SCOTT
HOFF, NOEL
PARTEE, JORDAN
WYRICK, CRAIG

Sincerely yours,

Clarissa Teichman, Chief Appraiser

2024 Calculation of Votes for Board of Directors Election

Tax Unit	2022 Levy-Hood Co.	Levy % for Appraisal	Vote Allocation
Howard County	\$ 20,725,997	0.1646	823
Howard College	\$ 14,608,290	0.1160	580.1
Big Spring City	\$ 8,555,513	0.0679	339.7
Coahoma City	\$ 225,225	0.0018	8.9
Forsan City	\$ 24,079	0.0002	1.0
Big Spring ISD	\$ 37,737,790	0.2997	1498.6
Coahoma ISD	\$ 13,281,590	0.1055	527.4
Forsan ISD	\$ 8,891,752	0.0706	353.1
Permian UWD	\$ 129,734	0.0010	5.2
Sands ISD	\$ 17,246,579	0.1370	684.9
Borden County ISD	\$ 1,977,898	0.0157	78.5
Stanton ISD	\$ 2,505,877	0.0199	99.5
	\$ 125,910,324	1.0000	5000.0



INTEROFFICE MEMORANDUM

Date: October 13, 2023
To: Mayor Robert Moore and Big Spring City Council Members
From: Miklos Szabo, Information Technology Manager
Subject: Website ADA Compliance

The City of Big Spring Information Technology Department is requesting approval to use Monsido by Civic Plus to update our websites to be compliant with Web Content Accessibility Guidelines (WCAG) which refer to both ADA compliance and Section 508 of the Rehabilitation Act of 1973 (29 U.S.C § 794 d).

This platform will aid in addressing errors by priority, while visually highlighting any suggested corrections. Some of the corrections offered by the platform offers include missing alt attributes, broken links, broken images, misspellings, and outdated content. The automated process will prevent manual location and repair of issues. Another benefit of the software is the ADA customization which allows citizens to make personalized changes to meet their specific needs through the customization application on the website.

Lastly, this platform will ensure the City of Big Spring websites are meeting both local and federal laws while improving citizens' experience when visiting our websites.

City of Big Spring, TX

310 Nolan Street

Big Spring, TX 79720

(432) 264-2513

Vendor Procurement Guide

Vendor: Monsido (Powered by CivicPlus)

Meeting Date: 10/24/2023

Monsido Rep: Thomas Mason, Thomas.Mason@civicplus.com

Product Overview

Monsido is an all in one web governance solution that scans, audits and reports back any and all content related issues that impact the website visitor experience. The Monsido platform specializes in digital accessibility or ADA compliance that meets current standards of WCAG 2.2 AA compliance. Monsido helps identify, prioritize and address content quality assurance and accessibility issues on your website so that you can achieve and maintain compliance according to WCAG 2.1 standards, and make your digital presence easily and equally accessible for all. Monsido helps all citizens get access to the important information being put out digitally by local and state government organizations across the United States, regardless of a disability.

Primary Benefits for: City of Big Spring

1. Weekly scans/audits and reports to find all content related issues and help clients maintain ADA compliance over time
2. History center and audit logs to show proof of progress towards ADA compliance
3. Unlimited live training training/support to assist staff in working through issues
4. PageAssist toolbar allows residents to adjust the font size, color contrast, and more on the website
5. Tracking and locating of broken links and misspellings to create seamless user experience for residents

Notable Organizations Using Monsido

1. Midland County, TX
2. Ector County, TX
3. Andrews County, TX
4. Taylor County, TX
5. City of Brady, TX



INTEROFFICE MEMORANDUM

Date: October 24, 2023
To: Mayor Robert H. Moore, Big Spring City Council, and Todd Darden, City Manager
From: John Medina, Assistant City Manager
Re: DRCC Abatement and Demolition

The Dora Roberts Community Center (DRCC) located at 100 Whipkey Drive was a total loss after a fire at the facility on July 1, 2023, the cause of which has been determined to be arson. On August 25, 2023, Corral Environmental Consulting completed an asbestos survey that located 5% asbestos in the dining area that will need to be abated prior to demolition.

The City of Big Spring is currently working with TMLIRP on the insurance claim, but due to the health and safety risks, we want to move forward with asbestos abatement and demolition of the structure. Staff recommends we contract the abatement design and demolition bidding to Corral Environmental Consulting.

We have budgeted \$280,000.00 for this project which will be reimbursed by insurance funds. Administration estimates the cost to complete the project will be \$680,000.00.

We are requesting approval from the City Council to enter into an agreement with Corral Environmental Consulting Inc. A cost analysis for the asbestos abatement and subsequent demolition of the property is provided below:

Asbestos Consulting Fees	\$10,800.00
Asbestos Abatement	\$55,000.00
Building Demolition	\$180,000.00
10% Contingency	\$24,600.00
Total Cost	\$270,400.00

The asbestos abatement will take three to four weeks to complete and demolition will take an additional six to eight weeks to complete. Asbestos consulting fees include asbestos abatement, project design, project management, air monitoring, and lab analysis.