



CITY COUNCIL REGULAR AGENDA

Tuesday, December 12, 2023

Notice is hereby given that the City Council of the City of Big Spring, Texas will meet in Regular Session on Tuesday, December 12, 2023, at 5:30 PM at the City Council Chambers Located at 307 East 4th Street, Big Spring, Texas. **We welcome the public to attend the meeting via telecommunication. Citizens will be able to view the City Council Meeting on Our Local Channel 17 through Suddenlink or on Our Website <http://mybigspring.com/224/Channel-17-Live>.**

CITY COUNCIL MEETING ETIQUETTE

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

Thank you!

Open Session

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

Public Comment

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

- | | |
|--------------------------|-------|
| 4. Public Comment | Moore |
|--------------------------|-------|

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. Presentation - A1024 Section 3 Presentation to Local Community for CDV21-0164 TxCDBG Project | 5-19 | Bowles |
| 6. PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 1601 YOUNG ST, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: LTS 6-7 BK 2 MORNINGSIDE 200X107 840 BLK/TRACT 321S 0.491 ACRES ACQ 12272017 - OWNER: IDA FISHER | 20-51 | Hagen |
| 7. PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 510 ABRAMS ST, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: LT 6 BK 16 EARLES 50X130 659 BLK/TRACT 16 0.149 ACRES - OWNER: SENAIDA ARMENDAREZ & BLAS ARMENDAREZ JR | 52-102 | Hagen |
| 8. PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 1210 LLOYD ST, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: LT 5 BK 5 STANFORD PARK (52X116) 832 ACQ 101112 0.138 ACRES - OWNER: MARTINA PINA | 103-138 | Hagen |

City Manager's Report

- | | | |
|---|---------|--------|
| 9. City Manager's report on the following items: | 139-140 | Darden |
| <ul style="list-style-type: none">• Large Item Pickup, District 6 - Dec. 20th• City Holidays - Christmas - December 25th & 26th & New Years Day - January 1st• Sanitation Schedule for the Holidays• Leadership Class Project - Jefferson Park | | |

Consent Items

- | | | |
|---|---------|--------|
| 10. Approval of the City Council Minutes of the Regular Meeting of November 28, 2023. | 141-148 | Davis |
| 11. Final Reading of an Ordinance Establishing the Pay Schedule for Classified Positions Within the Police Department for the Fiscal Year 2023-24; Providing for Repeal | 149-151 | Medina |

of Ordinances in Conflict Herewith; Finding and Determining that the Meetings at Which the Ordinance was Discussed were Open to the Public as Required by Law; and Providing an Effective Date

Vouchers

- | | | | |
|---------------------------|----|------------|----------|
| 12. Vouchers for 11/30/23 | \$ | 621,266.33 | Tompkins |
| Drafts | \$ | 868,698.79 | |
| 13. Vouchers for 12/07/23 | \$ | 506,464.61 | M. Smith |

Bids

- | | | |
|--|---------|--------|
| 14. Consideration and Possible Action on Awarding a Bid for the Runnels Street Water Line Replacements Project Funded through the Texas Department of Agriculture (TDA-CDV21-0164) and Authorizing the City Manager or His Designee to Execute any Necessary Documents | 152-153 | Bowles |
|--|---------|--------|

New Business

- | | | |
|--|---------|--------|
| 15. City Manager Reappointment to the Civil Service Appointment - Raul Marquez Jr. | | Darden |
| 16. Considering and Possible Action Authorizing Event Funding Request from CVB for Together Trail Race | 154-161 | Lewis |
| 17. Discussion Concerning Ordinances Related to Boarding up Broken Windows. | | Moore |
| 18. First Reading of an Ordinance Annexing the Hereinafter Described Territory Including a Certain 11.06 Acre Tract at an Address Commonly Known as 1801 West I-20 to the City of Big Spring, Howard County, Texas, and Extending the Boundary Limits of Said City so as to Include Said Hereinafter Described Property Within Said City Limits, and Granting to all the Inhabitants of Said Property all the Rights and Privileges of Other Citizens and Binding Said Inhabitants by all of the Acts, Ordinances, Resolutions, and Regulations of Said City; and Adopting a Service Plan or Agreement; Providing for the Repeal of Conflicting Legislation; Providing for Severability; Finding and Determining that the Meetings at Which the Ordinance was discussed were Open to the Public as Required by Law; and Providing an Effective Date. | 162-172 | Bowles |
| 19. 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, December 8, 2023 at 5:00 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.

A1024 Section 3 Presentation to Local Community



The City of Big Spring recently received the following grant award:

- Grant Contract No. CDV21-0164
- Award Amount: \$350,000.00
- **Project:** Install approximately two thousand six hundred linear feet (2,600 l.f.) of six-inch (6 in.) waterline, hydrants, gate valves, related service reconnections and pavement repair, and all associated appurtenances along



The grant is funded through the
Community Development Block Grant, via:

- U.S. Department of Housing and Urban
Development

and

- Texas Department of Agriculture



Section 3 Concepts

- As a condition of funding, the City of Big Spring must comply with Section 3 of the Housing and Urban Development Act of 1968.
- To the greatest extent feasible, Grant Recipients must direct economic opportunities generated by CDBG funds to low- and very low-income persons.



Section 3 Concepts

In part, this means ensuring that:

- Section 3 Businesses have the information to submit a bid or proposal for the project; and
- Section 3 Workers have information about any available job opportunities related to the project.

For precise definitions, see TxCDBG Policy Issuance 20-01



Section 3 Business

A company may qualify as a Section 3 Business if:

- it is owned by low-income persons;
- it is owned by Section 8-Assisted housing residents; or
- 75% of all labor hours for the business in a 3 month period are performed by Section 3 Workers

Register at:

- Texas Workforce
- Local Chamber of Commerce



Section 3 Business

This project is expected to include the following contracting opportunities:

- Grant Administration services (previously selected)
- Engineering Services (previously selected)
- Prime Contractor for Install approximately two thousand six hundred linear feet (2,600 l.f.) of six-inch (6 in.) water line, hydrants, gate valves, related service reconnections and pavement repair, and all associated appurtenances.



Section 3 Worker

You may qualify as a Section 3 Worker if:

- Your annual income is below the county threshold for your family size:
- You are a current or recent Youthbuild participant

Register your information and search for opportunities at:

- WorkInTexas.gov



Section 3 Worker

You may qualify as a Section 3 Worker if:

- Your annual income is below the county threshold for your family size:

2023 TxCDBG Survey Questionnaire												
80% Only											Interviewers Name: _____	
Place:	County Name:					Region:						
_____	Howard					PBRPC 9						
<u>Respondent's Information:</u>												
Street Address: _____			Zip Code: _____			Phone: _____						
<u>Contact Attempts:</u> (Circle)												
First Attempt:		Date: _____	Time: _____		A.M.	P.M.	(Circle ONE)					
Second Attempt:		Date: _____	Time: _____		A.M.	P.M.	Response	Non-Response	Vacancy			
1. Including yourself, how many people usually live in this unit? _____												
2. Including yourself, how many people in your family usually live in this unit? _____												
3. Do any other families live in this unit? (Circle) Yes No												
<i>If yes, please complete an additional questionnaire for each family that lives in this unit. (Note: Do not include yourself as a member of another family or families.)</i>												
<i>Compare your family's 2022 annual adjusted gross income, or your family's 2023 monthly / weekly income calculated on an annual basis, to the income eligibility figures listed below for your County:</i>												
4. Family Size: _____ Males: _____ Females: _____												
Extremely Low- to Low-Income: <80% AMFI												
Family Size	1	2	3	4	5	6	7	8	9	10	11	12
Income LESS than:	< \$42,000	< \$48,000	< \$54,000	< \$60,000	< \$64,800	< \$69,600	< \$74,400	< \$79,200	< \$84,000	< \$88,800	< \$93,600	< \$98,400
Non-Low- and-Moderate Income: Greater than 80% AMFI												
Family Size	1	2	3	4	5	6	7	8	9	10	11	12
Income MORE than:	> \$42,000	> \$48,000	> \$54,000	> \$60,000	> \$64,800	> \$69,600	> \$74,400	> \$79,200	> \$84,000	> \$88,800	> \$93,600	> \$98,400



Section 3 Worker

2023 TxCDBG Survey Questionnaire

Interviewers Name: _____

80% Only

Place: _____

County Name: _____

Region: _____

Howard

PBRPC 9

Respondent's Information:

Street Address: _____

Zip Code: _____

Phone: _____

Contact Attempts:

(Circle)

First Attempt:

Date: _____

Time: _____

A.M.

P.M.

(Circle ONE)

Second Attempt:

Date: _____

Time: _____

A.M.

P.M.

Response

Non-Response

Vacancy

1. Including yourself, how many people usually live in this unit? _____

2. Including yourself, how many people in your family usually live in this unit? _____

3. Do any other families live in this unit?

(Circle)

Yes

No

If yes, please complete an additional questionnaire for each family that lives in this unit. (Note: Do not include yourself as a member of another family or families.)

Compare your family's 2022 annual adjusted gross income, or your family's 2023 monthly / weekly income calculated on an annual basis, to the income eligibility figures listed below for your County.

4. Family Size: _____

Males: _____

Females: _____

Extremely Low- to Low-Income: <80% AMFI

Family Size	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>11</u>	<u>12</u>
Income LESS than:	<	<	<	<	<	<	<	<	<	<	<	<
	\$42,000	\$48,000	\$54,000	\$60,000	\$64,800	\$69,600	\$74,400	\$79,200	\$84,000	\$88,800	\$93,600	\$98,400

Non-Low- and-Moderate Income: Greater than 80% AMFI

Family Size	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>11</u>	<u>12</u>
Income MORE than:	>	>	>	>	>	>	>	>	>	>	>	>
	\$42,000	\$48,000	\$54,000	\$60,000	\$64,800	\$69,600	\$74,400	\$79,200	\$84,000	\$88,800	\$93,600	\$98,400



Section 3 Worker

A1022 TxCDBG Section 3 Status Summary (2022 Income Limits)

Grant Recipient:

Grant No.

Business Name

County Name:

Howard

COG

PBRPC 9

Income LESS than:

\$39,700

List all employees that will work on the TxCDBG-assisted project.

Employee Name	Employee ID	Section 3 Status	Basis for Section 3 Status	Documentation Method for Section 3 Status
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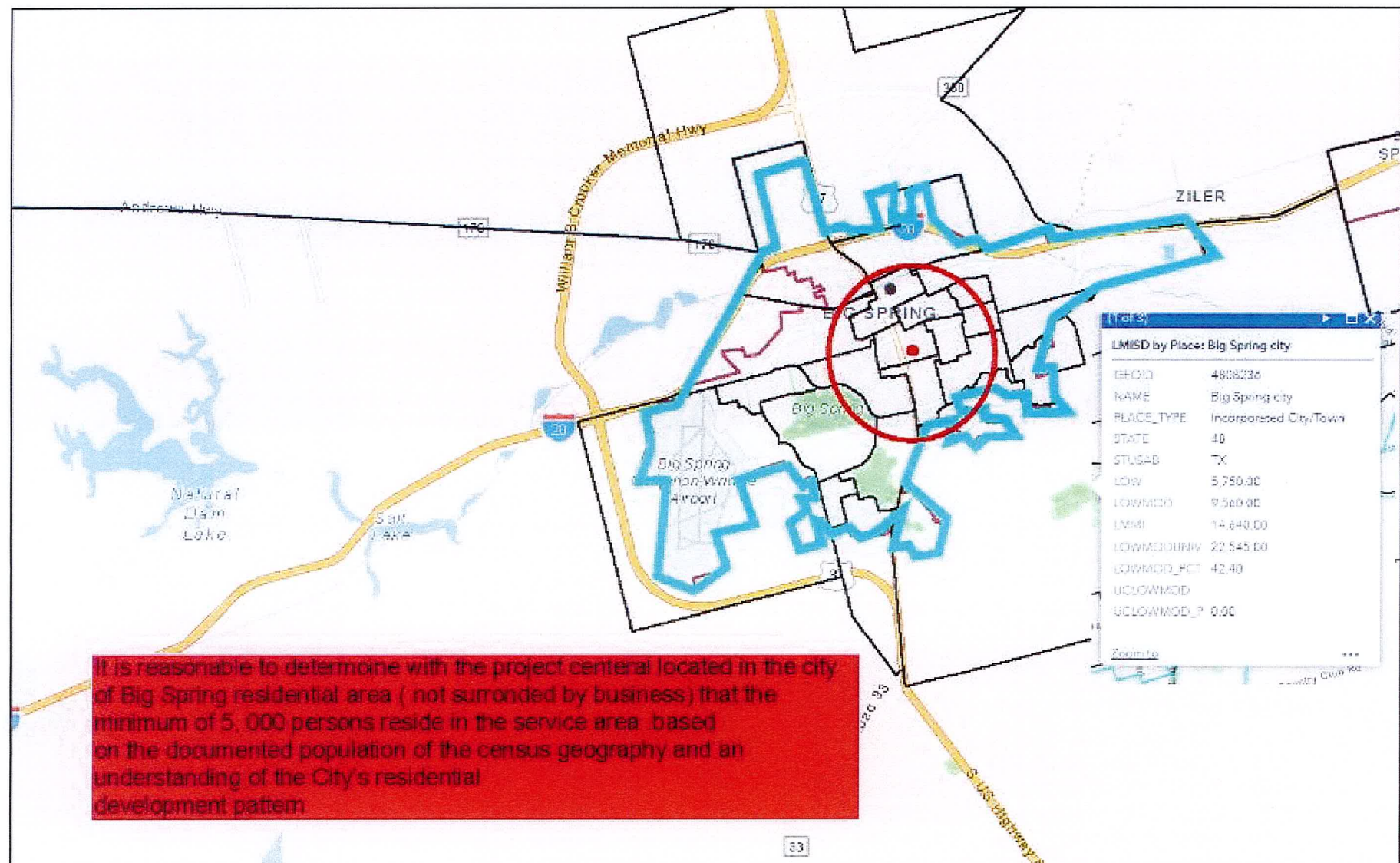


Targeted Section 3 Worker

Section 3 Workers that reside near the project location may also qualify as Targeted Section 3 Workers.

For this project, that service area is defined by the following Map on the next slide:

Low- and Moderate-Income Data, based on 2011-2015 ACS 5-year Estimates



5/18/2023, 10:14:33 AM

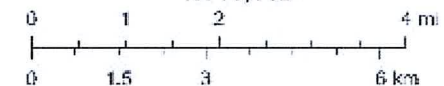
☐ LMISD by Block Group

 LMISD by Place & Consolidated City

☐ LMISD by County Subdivision

 LMISD by County

1:144,448



Tecon Parks & Wildlife, CONANP, Eari, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NSA, USGS, EPA, NPS, USCA

U.S. Department of Housing and Urban Development, Web AppBuilder for
Texas Parks & Wildlife, CONAND, Envi HERE, Garmin, SafeCharts, GeoTechnologies, Inc, METUNASA, USGS, EPA, NPS, USDA |



Recordkeeping

The City of Big Spring (with assistance of SPAG hired as the administrator and appointed as the Labor Standards Officer for the project) will track all hours worked on the project based on the three categories of workers.

This will require collection of certain income information.





For More Information

TxCDBG Policy Issuance 20-01

[REVISED Policy Issuance 20-01 Section 3 v1.pdf](#)
texasagriculture.gov

24 CFR Part 75

[Electronic Code of Federal Regulations \(eCFR\)](#)

1601 YOUNG

Code Enforcement Officer: Jacob Leos

Exhibit A-1

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Exhibit A-2

Property Details

Account

Property ID:	284065	Geographic ID:	B4560002200
Type:	Real	Zoning:	
Property Use:		Condo:	

Location

Situs Address:	1601 YOUNG
Map ID:	Mapsco:
Legal Description:	LTS 6-7 BK 2 MORNINGSIDE 200X107 840 BLK/TRACT 321S 0.491 ACRES ACQ 12272017

Abstract/Subdivision:

Neighborhood:	GOLD
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Owner ⓘ

Owner ID:	420753
Name:	FISHER IDA

Agent:

Mailing Address:	1608 DONLEY BIG SPRING, TX 79720
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% Ownership:	100.0%
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Exemptions:	For privacy reasons not all exemptions are shown online.
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Property Values

Improvement Homesite Value:	\$0 (+)
Improvement Non-Homesite Value:	\$1,433 (+)
Land Homesite Value:	\$0 (+)
Land Non-Homesite Value:	\$17,500 (+)
Agricultural Market Valuation:	\$0 (+)

Market Value:	\$18,933 (=)
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STATE OF TEXAS

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§
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COUNTY OF HOWARD

**CERTIFICATION
1601 YOUNG 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.

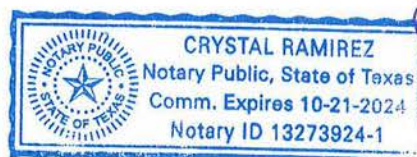
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout 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 7th day of December, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 7th day of December, 2023

by the above referenced Affiant.



[Signature]
Notary Public, State of Texas

Exhibit A-3



CASE NOTES

Page 1 of 1

Report Run On: Wednesday, 29
November 2023 14:59

Case # 23-00000225

Parcel # : 284065

Site Address: 1601 YOUNG

Case Description: ACCUMULATED ITEMS ON PROPERTY IN PUBLIC VIEW

Note Type	Note Code	Text	Created By	Begin Date	End Date
PHONE CALL		11/27/23 IDA FISCHER CONTACTED CODE OFFICER LEOS BY PHONE (REDACTED) IDA SAID SHE JUST GOT HER VIOLATION NOTICE IN THE MAIL THE DAY BEFORE THANKSGIVING AND TRIED CALLING ME ON 11-22-23. IDA LET ME KNOW THAT SHE HAS HAD TROUBLE NUMEROUS TIMES WITH PEOPLE BREAKING INTO HER DOOR OF THE SHOP AND EVEN SAW SOMEONE THERE BEFORE. SHE REQUESTED FOR MORE TIME TO TAKE CARE OF THE VIOLATION. IDA SAID SHE WAS OVER 60 AND HAS TROUBLE GETTING AROUND AND CANNOT FIND MATERIAL AT A REASONABLE PRICE SHE CAN AFFORD TO FIX THE ROOF. I TOLD HER TO CONTACT ME ON DEC 4TH WITH AN UPDATE ON HER ROOF. I GRANTED HER UNTIL 12/15/23 TO GET THE ACCUMULATION REMOVED OR OUT OF PUBLIC VIEW. I ALSO TALKED TO HER ABOUT HER WEEDY LOT AND GAVE HER UNTIL 12/15/23.	Jacob Leos	11/27/23	
GENERAL		10/20/23 CODE OFFICER LEOS INSPECTED PROPERTY. ACCUMULATED ITEMS INCLUDING WOOD, SCRAP METAL, LARGE METAL ITEMS, BARRELS, BUCKETS AND MANY MORE ITEMS. WILL SEND NOTICE OF VIOLATION TO PROPERTY OWNER IDA FISHER AT 1608 DONLEY	Jacob Leos	10/20/23	

STATE OF TEXAS

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COUNTY OF HOWARD

**CERTIFICATION OF
PHOTOGRAPHS BY JACOB LEOS**

“With regard to the photographs in **Exhibits A-4** I am familiar with and recognize the scene depicted in the photographs. On OCTOBER, 20TH, 2023 and NOVEMBER, 20TH, 2023, I inspected the property described as:

LTS 6-7 BK 2 MORNINGSIDE 200X107 840 BLK/TRACT 321S 0.491 ACRES
ACQ 12272017 Big Spring, Howard County, Texas, also known as **1601**
YOUNG, Big Spring, Texas.

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

SIGNED on the 7th day of December, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 7th day of December, 2023
by the above referenced Affiant.



[Signature]
Notary Public, State of Texas

Exhibit A-4

Network: Oct 20, 2023 1:46:24 PM CDT

Local: Oct 20, 2023 1:46:24 PM CDT

61° NE

Big Spring

Altitude: 751.3m

Speed: 0.0km/h

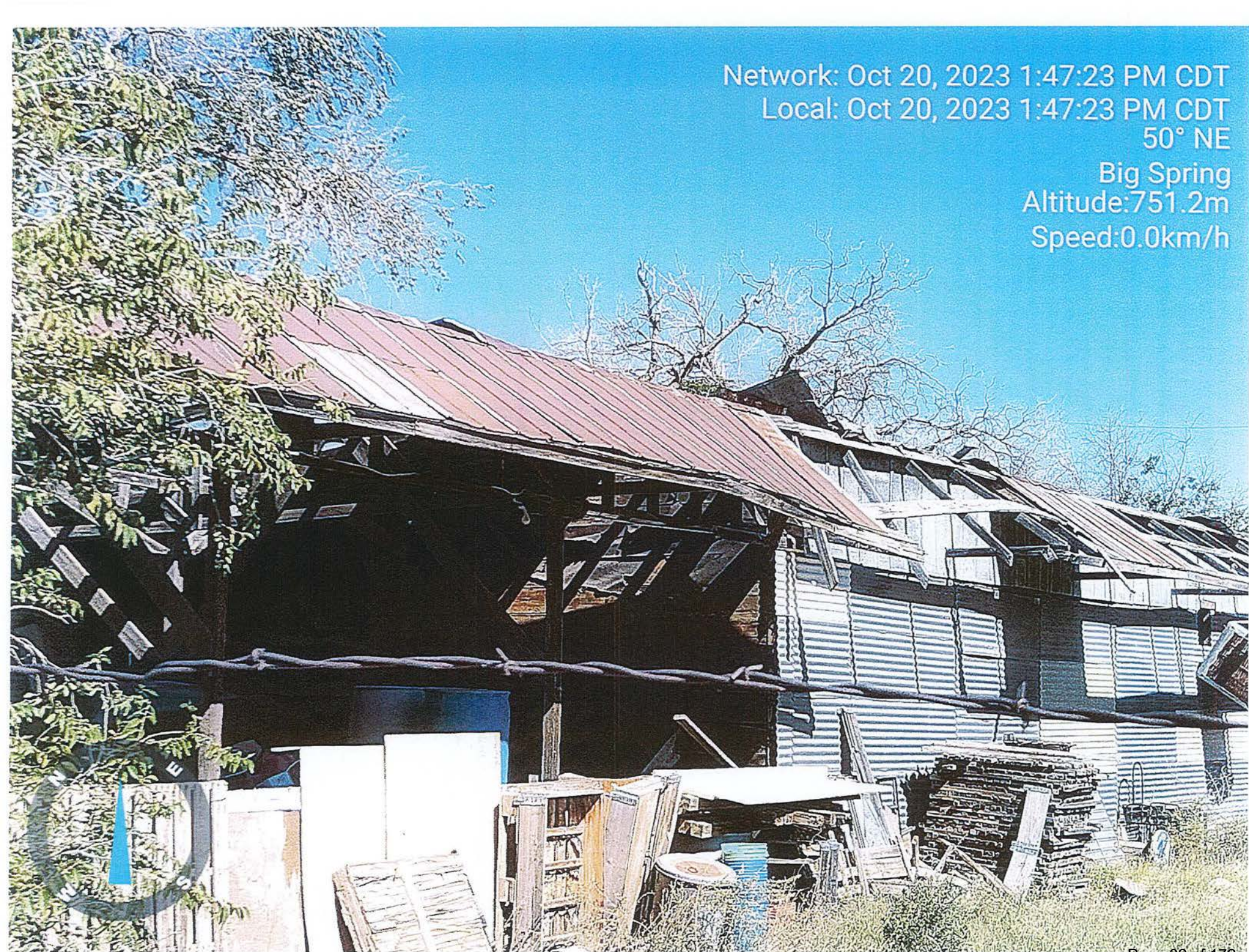


Network: Oct 20, 2023 1:47:13 PM CDT
Local: Oct 20, 2023 1:47:13 PM CDT
46° NE
Big Spring
Altitude: 750.1m
Speed: 0.0km/h



Network: Oct 20, 2023 1:47:23 PM CDT
Local: Oct 20, 2023 1:47:23 PM CDT
50° NE

Big Spring
Altitude: 751.2m
Speed: 0.0km/h



Network: Oct 20, 2023 1:47:26 PM CDT
Local: Oct 20, 2023 1:47:26 PM CDT
55° NE

Big Spring
Altitude: 751.3m
Speed: 0.0km/h



Network: Oct 20, 2023 1:47:51 PM CDT

Local: Oct 20, 2023 1:47:51 PM CDT

56° NE

Big Spring

Altitude: 752.6m

Speed: 0.0km/h





November 20, 2023 1:41 PM



November 20, 2023 1:41 PM



November 20, 2023 1:42 PM

STATE OF TEXAS

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COUNTY OF HOWARD

**CERTIFICATION
NOTICE SENT BY JACOB LEOS**

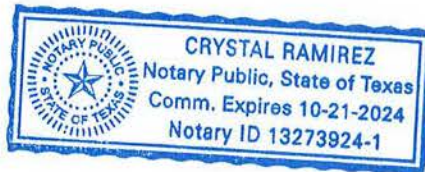
“The document in **Exhibit A-5** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

Certified Mail Return for **Exhibit A-5** is also attached.

SIGNED on the 7th day of December, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 7th day of December, 2023
by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit A-5



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

NOTICE OF VIOLATION

23-00000224

11/9/23

FISHER IDA
1608 DONLEY
BIG SPRING, TX 79720

Subject Property: 1601 YOUNG , BIG SPRING, TX
APN: 284065

Dear FISHER IDA

Your property was recently reinspected
correction(s) by or contact Code Enforcement to get this matter resolved promptly.

You must make the following

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 is not 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.

THE STRUCTURE IS UNSANITARY AND UNSAFE. THE STRUCTURE ON THIS PROPERTY DOES NOT MEET MINIMUM BUILDING STANDARDS. THE STRUCTURE NEEDS TO BE BROUGHT UP TO BUILDING CODE OR THE STRUCTURE SHOULD BE DEMOLISHED AND REMOVED.

Should you have questions regarding this notice, you may contact the undersigned at 432.264.2502 or by email at jleos@mybigspring.com.

Thank you for helping to resolve this matter.

Sincerely,


Jacob Leos
Code Enforcement Officer



NOTICE OF VIOLATION AND NOTICE OF HEARING

Sent via: Certified Mail; Return Receipt Requested

December 01, 2023

IDA FISHER
1608 DONLEY
BIG SPRING, TEXAS 79720

IDA FISHER
1601 YOUNG
BIG SPRING, TEXAS 79720

Re: 1601 YOUNG, BIG SPRING, TEXAS 79720
LEGAL DESCRIPTION: LTS 6-7 BK 2 MORNINGSIDE 200X107 840
BLK/TRACT 321S 0.491 ACRES ACQ 12272017, Howard County

Big Spring Code Compliance has determined that at the following structure: the MAIN STRUCTURE, at the property as stated above, is 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 was abandoned and constitutes an attractive nuisance. 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	The roof appears to admit rain and has signs of deterioration. Unsafe condition.

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

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

Corrective Action Sought by Code Compliance

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

REMOVE AND DEMOLISH

THE MAIN STRUCTURE.

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

Issued by

Jacob Leos

Name

Code Enforcement Officer

Title

+1 (432) 264-2502

Phone

jleos@mybigspring.com

E-mail

The City's goal is voluntary compliance.

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

YOU ARE HEREBY NOTIFIED THAT THE CITY HAS INITIATED PROCEEDINGS TO ABATE THE ABOVE-DESCRIBED NUISANCES AT YOUR EXPENSE. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you

and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

The City Council will serve as the Hearing Board for your case. The hearing is scheduled for **5:30 PM, December 12, 2023** at the City Council Chambers located at **307 E 4th St., Big Spring, Texas 79720**. You are encouraged to attend this hearing to demonstrate the scope of work that may be required to comply with the Building Codes and the time it will take to reasonably perform the work.

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

SECTION A-1.10. Rights of Parties

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

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

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

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

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

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

YOU HAVE A RIGHT TO APPEAL THE DECISION OF THE HEARING BOARD. If the Hearing Board enters an order to abate the violation(s) at the structure(s) at the property, the

order is preliminary, allowing you to appeal the order to District Court within thirty (30) days pursuant to Section 8.03 of the Structural Standards Ordinance of the Big Spring City Code. If you fail to appeal the Hearing Board's ruling within that time, such order shall become the final order.

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

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

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

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

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

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

Sincerely,



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

9589 0710 5270 0422 7438 10

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee \$ Extra Services & Fees (check box, add fee as appropriate) ☐ Return Receipt (hardcopy) \$ ☐ Return Receipt (electronic) \$ ☐ Certified Mail Restricted Delivery \$ ☐ Adult Signature Required \$ ☐ Adult Signature Restricted Delivery \$ Postage \$ Total Postage and Fees \$	Postmark Here
Sent To <u>Ida Fisher</u> Street and Apt. No., or PO Box No. <u>1601 Young</u> City, State, ZIP+4® <u>Big Spring, TX 79720</u>	
PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions	

9589 0710 5270 0422 7438 03

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee \$ Extra Services & Fees (check box, add fee as appropriate) ☐ Return Receipt (hardcopy) \$ ☐ Return Receipt (electronic) \$ ☐ Certified Mail Restricted Delivery \$ ☐ Adult Signature Required \$ ☐ Adult Signature Restricted Delivery \$ Postage \$ Total Postage and Fees \$	Postmark Here
Sent To <u>Ida Fisher</u> Street and Apt. No., or PO Box No. <u>1608 Donley</u> City, State, ZIP+4® <u>Big Spring, TX 79720</u>	
PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions	

STATE OF TEXAS

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COUNTY OF HOWARD

**CERTIFICATION
OF POSTING OF PUBLIC HEARING**

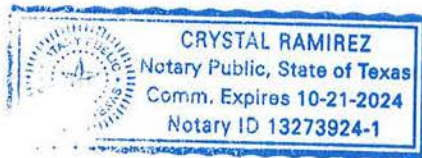
"The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for December 12, 2023, attached as **Exhibit A-6**, was posted on or near the front door of each dwelling unit listed in the attached notice on December 18th, 2023.

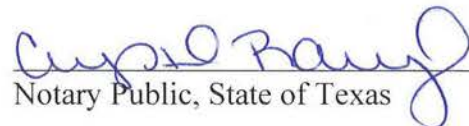
SIGNED on the 7th day of December, 2023.



AFFIANT

SWORN TO AND SUBSCRIBED before me this 7th day of December, 2023
by the above referenced Affiant.





Notary Public, State of Texas

Exhibit A-6



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 **DECEMBER 12TH, 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:

1601 YOUNG, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LTS 6-7 BK 2 MORNINGSIDE 200X107 840 BLK/TRACT 321S 0.491 ACRES ACQ 12272017 – OWNER: IDA FISHER

510 ABRAMS, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 6 BK 16 EARLES 50X130 659 BLK/TRACT 16 0.149 ACRES – OWNER: SENaida ARMENDAREZ & BLAS ARMENDAREZ JR

1210 LLOYD, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 5 BK 5 STANFORD PARK (52X116) 832 ACQ 101112 0.138 ACRES – OWNER: MARTINA PINA

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



510 ABRAMS

Code Compliance Official: Ashley Guerra

Exhibit B-1

STATE OF TEXAS

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COUNTY OF HOWARD

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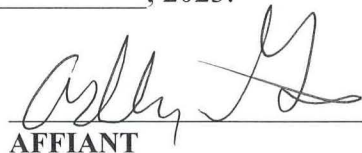
**AFFIDAVIT OF ASHLEY GUERRA
CONCERNING 510 ABRAMS**

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:

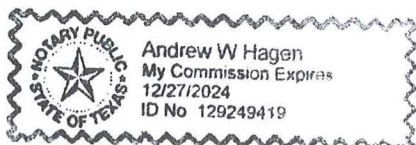
“I am a Code Compliance Official for the City of Big Spring, Texas. In the course of my duties, I inspect properties for compliance with Texas state law and the ordinances of the City of Big Spring. I am an employee of the City of Big Spring and am familiar with the manner in which its records are created and maintained by virtue of my duties and responsibilities. Attached are pages of records relating to the Code Compliance Case for **510 ABRAMS**, 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.”

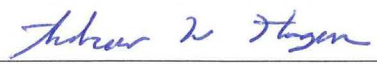
SIGNED on the 6 day of December, 2023.



AFFIANT

SWORN TO AND SUBSCRIBED before me this 6 day of December, 2023 by the above referenced Affiant.





Notary Public, State of Texas

Exhibit B-2

Property Details

Account		
Property ID:	280862	Geographic ID: B3180019000
Type:	Real	Zoning:
Property Use:		Condo:
Location		
Situs Address:	510 ABRAMS	
Map ID:		Mapsco:
Legal Description:	LT 6 BK 16 EARLES 50X130 659 BLK/TRACT 16 0.149 ACRES	
Abstract/Subdivision:		
Neighborhood:	CDCS	
Owner ?		
Owner ID:	298009	
Name:	ARMENDAREZ SENaida & ARMENDAREZ BLAS JR	
Agent:		
Mailing Address:	510 ABRAMS BIG SPRING , TX 79720	
% Ownership:	100.0%	
Exemptions:	HS - HOMESTEAD For privacy reasons not all exemptions are shown online.	

Property Values

Improvement Homesite Value:	\$44,944 (+)
Improvement Non-Homesite Value:	\$0 (+)
Land Homesite Value:	\$2,500 (+)
Land Non-Homesite Value:	\$0 (+)
Agricultural Market Valuation:	\$0 (+)

Market Value:	\$47,444 (=)
Agricultural Value Loss: ⓘ	\$0 (-)
Appraised Value:	\$47,444 (=)
Homestead Cap Loss: ⓘ	\$34,917 (-)
Assessed Value:	\$12,527
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: ARMENDAREZ SENaida & ARMENDAREZ BLAS JR **%Ownership:** 100.0%

Entity	Description	Tax Rate	Market Value	Taxable Value	Estimated Tax	Freeze Ceiling
01H	HOWARD COUNTY	0.208716	\$47,444	\$7,527	\$15.71	
02B	CITY OF BIG SPRING	0.636039	\$47,444	\$7,527	\$47.87	
03B	BIG SPRING ISD	0.763200	\$47,444	\$0	\$0.00	
052	HOWARD COLLEGE	0.154789	\$47,444	\$7,527	\$11.65	

Total Tax Rate: 1.762744

Estimated Taxes With Exemptions: \$75.23

Estimated Taxes Without Exemptions: \$836.31

STATE OF TEXAS

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COUNTY OF HOWARD

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CERTIFICATION
510 ABRAMS 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.

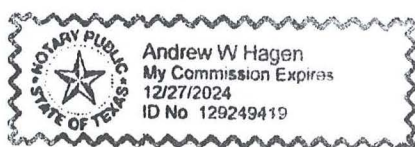
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout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


AFFIANT

SWORN TO AND SUBSCRIBED before me this 6 day of December, 2023

by the above referenced Affiant.




Notary Public, State of Texas

Exhibit B-3



CASE NOTES

Report Run On: Wednesday, 25
October 2023 14:36

Case # 23-00000200

Parcel # : 280862

Site Address: 510 ABRAMS

Case Description: substandard structure in the back of property with storage building

Note Type	Note Code	Text	Created By	Begin Date	End Date
SITE VISIT		went back with a warrant and reinspect and noticed nothing has been done owners nephew nieto came on office on 10-19-23 and said they was going to come in and sighn a waiver to get in knocked down but nothing has been complete .no waiver has been sighned .	Ashley Guerra	10/25/23	
GENERAL		sent to legal on 10-25-23	Ashley Guerra	10/25/23	
CORRECTIVE ACTION		DROVE BY ON A COMPLAINT AND NOTICED A SUBSTANDARD BUILDING *2 NEEDS TO BE DEMOED OR BROUGHT UP TO CODE DEADLINE FOR COMPLIANCE IS SEVEN (7) DAYS FROM THE DATE OF MAILING	Ashley Guerra	10/09/23	
SITE VISIT		ON 10-4-23 DROVE BY AND NOTICED A SUBSTANDARD BUILDING ON BACK YARD AREA NEED TO GET A WARRANT	Ashley Guerra	10/09/23	
GENERAL		photos taken 10-4-2023	Malissa Garcia	10/04/23	

STATE OF TEXAS

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COUNTY OF HOWARD

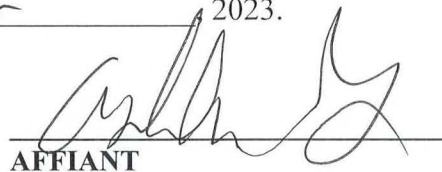
**CERTIFICATION OF
PHOTOGRAPHS BY ASHLEY GUERRA**

“With regard to the photographs in **Exhibits B-4** I am familiar with and recognize the scene depicted in the photographs. On OCTOBER, 4TH, 2023 and OCTOBER, 18TH, 2023, I inspected the property described as:

LT 6 BK 16 EARLES 50X130 659 BLK/TRACT 16 0.149 ACRES Big Spring,
Howard County, Texas, also known as **510 ABRAMS**, Big Spring, Texas.

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

SIGNED on the 6 day of December, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 6 day of December, 2023
by the above referenced Affiant.




Notary Public, State of Texas

Exhibit B-4



October 4, 2023 11:35 AM



October 4, 2023 11:35 AM



October 4, 2023 11:35 AM



October 4, 2023 11:35 AM



October 4, 2023 11:35 AM



October 4, 2023 11:36 AM



October 4, 2023 11:36 AM





October 4, 2023 11:37 AM



October 4, 2023 11:37 AM



October 18, 2023 10:03 AM



October 18, 2023 10:06 AM



October 18, 2023 10:06 AM



October 18, 2023 10:07 AM



October 18, 2023 10:07 AM



October 18, 2023 10:07 AM



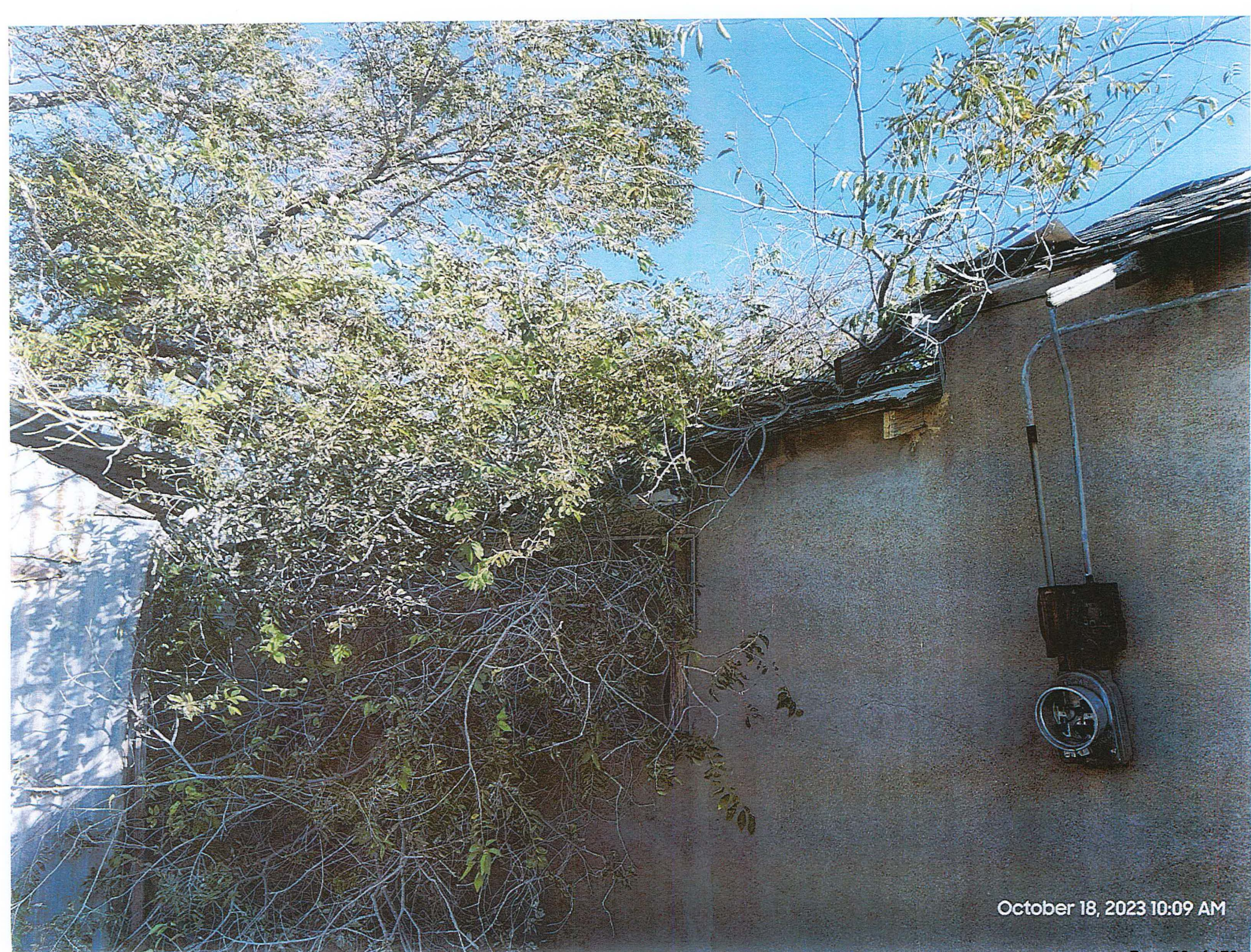
October 18, 2023 10:08 AM



October 18, 2023 10:08 AM



October 18, 2023 10:08 AM



October 18, 2023 10:09 AM



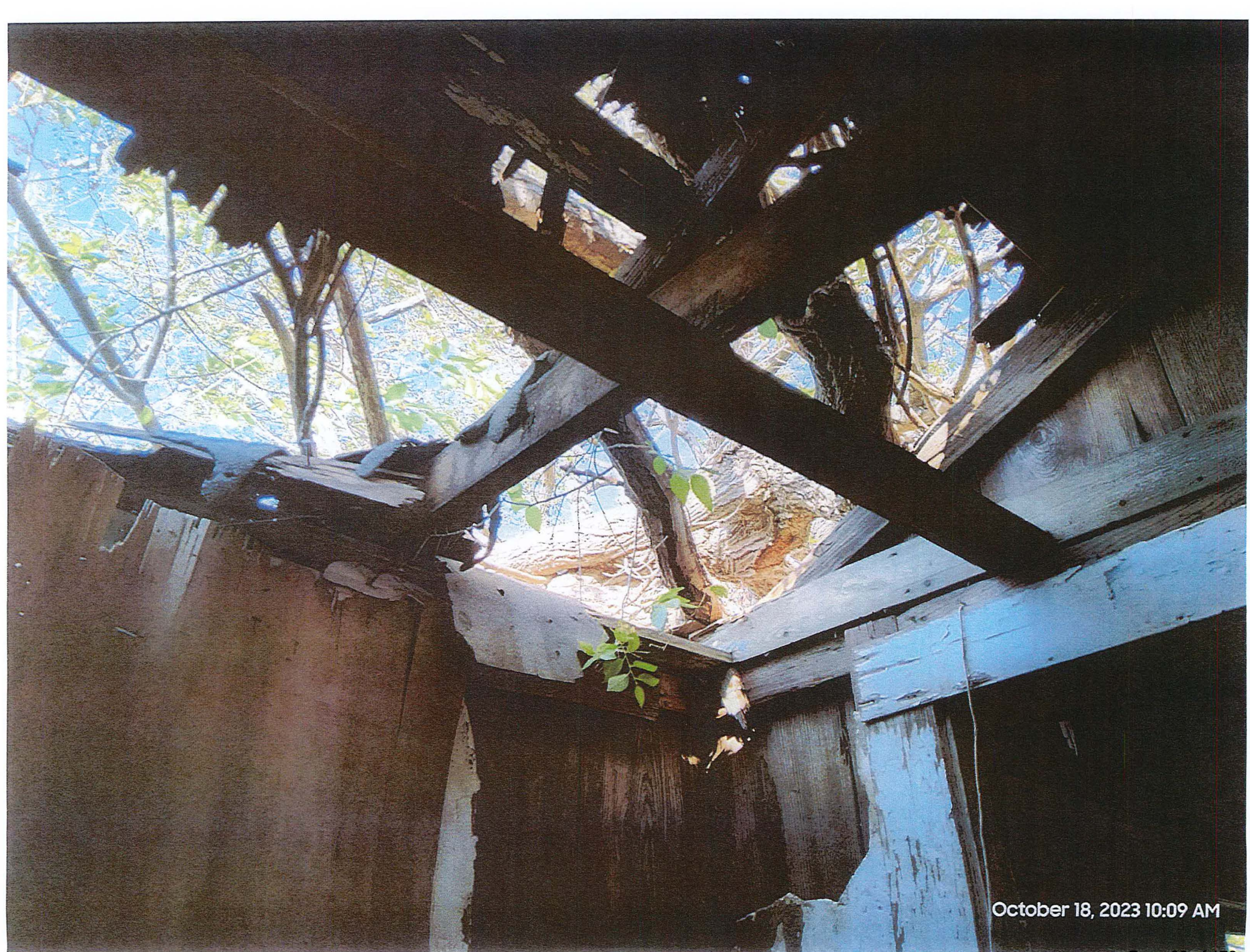
October 18, 2023 10:09 AM



October 18, 2023 10:09 AM



October 18, 2023 10:09 AM



October 18, 2023 10:09 AM





October 18, 2023 10:09 AM

STATE OF TEXAS

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COUNTY OF HOWARD

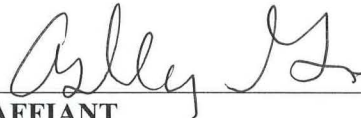
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**CERTIFICATION
NOTICE SENT BY ASHLEY GUERRA**

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

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

SIGNED on the 6 day of December, 2023.



AFFIANT

SWORN TO AND SUBSCRIBED before me this 6 day of December, 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

23-00000200

10-10-23

ARMENDAREZ SENAI DA & ARMENDAREZ BLAS JR
510 ABRAMS
BIG SPRING, TX 79720

Subject Property: 510 ABRAMS , BIG SPRING, TX 00000
APN: 280862

Dear ARMENDAREZ SENAI DA & ARMENDAREZ BLAS JR

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.	DROVE BY ON A COMPLAINT AND NOTICED A SUBSTANDARD BUILDING *2 NEEDS TO BE DEMOED OR 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

A handwritten signature in black ink, appearing to read 'Ashley Guerra', with a stylized, sweeping flourish at the end.



NOTICE OF VIOLATION AND NOTICE OF HEARING

Sent via: Certified Mail; Return Receipt Requested

December 01, 2023

SENAIDA ARMENDAREZ
510 ABRAMS
BIG SPRING, TEXAS 79720

BLAS ARMENDAREZ JR
510 ABRAMS
BIG SPRING, TEXAS 79720

Re: 510 ABRAMS, BIG SPRING, TEXAS 79720
LEGAL DESCRIPTION: LT 6 BK 16 EARLES 50X130 659 BLK/TRACT 16 0.149
ACRES, Howard County

Big Spring Code Compliance has determined that at the following structures: the TWO (2) REAR STRUCTURES, at the property as stated above, are in violation of the following section(s) of the Property Maintenance Code of Big Spring (PMC), constituting a nuisance:

VIOLATION	DESCRIPTION OF VIOLATION
111.1.5 HAZARDOUS STRUCTURE OR PREMISES. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as follows shall be considered to be hazardous: 6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy. 7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act. 9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a	The building was abandoned and constitutes an attractive nuisance. Hazardous condition.

condition that is likely to cause sickness or disease. 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.	
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 defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.	The roof has defects that admit rain and is not sound and not tight.

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

Corrective Action Sought by Code Compliance

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

DEMOLITION OR REPAIR
OF THE TWO (2) REAR STRUCTURES.

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, December 12, 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.

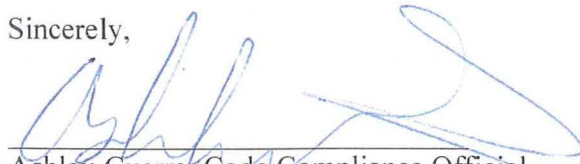
NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless,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

9589 0710 5270 0422 7438 27

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT <i>Domestic Mail Only</i>	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee \$ _____	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy) \$ _____	
☐ Return Receipt (electronic) \$ _____	
☐ Certified Mail Restricted Delivery \$ _____	
☐ Adult Signature Required \$ _____	
☐ Adult Signature Restricted Delivery \$ _____	
Postage \$ _____	
Total Postage and Fees \$ _____	
Sent To <u>Senaida Armendarez</u>	
Street and Apt. No., or PO Box No. <u>510 Abrams</u>	
City, State, ZIP+4® <u>Big Springs, TX 79720</u>	
PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions	

9589 0710 5270 0422 7438 34

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT <i>Domestic Mail Only</i>	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee \$ _____	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy) \$ _____	
☐ Return Receipt (electronic) \$ _____	
☐ Certified Mail Restricted Delivery \$ _____	
☐ Adult Signature Required \$ _____	
☐ Adult Signature Restricted Delivery \$ _____	
Postage \$ _____	
Total Postage and Fees \$ _____	
Sent To <u>Blas Armendarez Jr.</u>	
Street and Apt. No., or PO Box No. <u>510 Abrams</u>	
City, State, ZIP+4® <u>Big Springs, TX 79720</u>	
PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions	

STATE OF TEXAS

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COUNTY OF HOWARD

**CERTIFICATION
OF POSTING OF PUBLIC HEARING**

"The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for December 12, 2023, attached as **Exhibit B-7**, was posted on or near the front door of each dwelling unit listed in the attached notice on Dec 1, 2023.

SIGNED on the 6 day of December, 2023.



AFFIANT

SWORN TO AND SUBSCRIBED before me this 6 day of December, 2023
by the above referenced Affiant.





Notary Public, State of 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 **DECEMBER 12TH, 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:

1601 YOUNG, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LTS 6-7 BK 2 MORNINGSIDE 200X107 840 BLK/TRACT 321S 0.491 ACRES ACQ 12272017 – OWNER: IDA FISHER

510 ABRAMS, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 6 BK 16 EARLES 50X130 659 BLK/TRACT 16 0.149 ACRES – OWNER: SENaida ARMENDAREZ & BLAS ARMENDAREZ JR

1210 LLOYD, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 5 BK 5 STANFORD PARK (52X116) 832 ACQ 101112 0.138 ACRES – OWNER: MARTINA PINA

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



December 1, 2023 11:06 AM

1210 LLOYD

Code Enforcement Officer: Felix Rodriguez

Exhibit C-1

STATE OF TEXAS

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COUNTY OF HOWARD

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**AFFIDAVIT OF FELIX RODRIGUEZ
CONCERNING 1210 LLOYD**

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

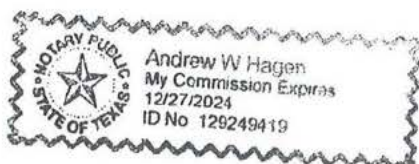
“My name is **Felix Rodriguez**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

“I am a Code Enforcement Officer for the City of Big Spring, Texas. In the course of my duties, I inspect properties for compliance with Texas state law and the ordinances of the City of Big Spring. I am an employee of the City of Big Spring and am familiar with the manner in which its records are created and maintained by virtue of my duties and responsibilities. Attached are pages of records relating to the Code Compliance Case for **1210 LLOYD**, 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 6 day of December, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 6 day of December, 2023 by the above referenced Affiant.




Notary Public, State of Texas

Exhibit C-2

Property Details

Account		
Property ID:	286111	Geographic ID: B5580006600
Type:	Real	Zoning:
Property Use:		Condo:
Location		
Situs Address:	1210 LLOYD	
Map ID:		Mapsco:
Legal Description:	LT 5 BK 5 STANFORD PARK (52X116) 832 ACQ 101112 0.138 ACRES	
Abstract/Subdivision:		
Neighborhood:	MCEW	
Owner 		
Owner ID:	19635	
Name:	PINA MARTINA	
Agent:		
Mailing Address:	6000 N HWY 87 BIG SPRING , TX 79720	
% Ownership:	100.0%	
Exemptions:	For privacy reasons not all exemptions are shown online.	

Property Values

Improvement Homesite Value:	\$3,086 (+)
Improvement Non-Homesite Value:	\$0 (+)
Land Homesite Value:	\$4,004 (+)
Land Non-Homesite Value:	\$0 (+)
Agricultural Market Valuation:	\$0 (+)
Market Value:	\$7,090 (=)

Agricultural Value Loss:?	\$0 (-)
Appraised Value:	\$7,090 (=)
Homestead Cap Loss: ?	\$0 (-)
Assessed Value:	\$7,090
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: PINA MARTINA %**Ownership:** 100.0%

Entity	Description	Tax Rate	Market Value	Taxable Value	Estimated Tax	Freeze Ceiling
01H	HOWARD COUNTY	0.208716	\$7,090	\$7,090	\$14.80	
02B	CITY OF BIG SPRING	0.636039	\$7,090	\$7,090	\$45.10	
03B	BIG SPRING ISD	0.763200	\$7,090	\$7,090	\$54.11	
052	HOWARD COLLEGE	0.154789	\$7,090	\$7,090	\$10.97	

Total Tax Rate: 1.762744

Estimated Taxes With Exemptions: \$124.98

Estimated Taxes Without Exemptions: \$124.98

STATE OF TEXAS

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COUNTY OF HOWARD

**CERTIFICATION
1210 LLOYD CASE NOTES**

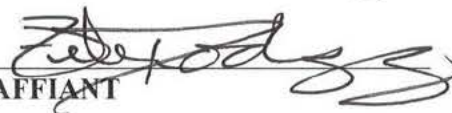
“This record, attached as **Exhibit C-3**, was made at or near the time by – or from information transmitted by a person or persons with the City with knowledge.

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 6 day of December, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 6 day of December, 2023

by the above referenced Affiant.




Notary Public, State of Texas

Exhibit C-3



CASE NOTES

Page 1 of 1

Report Run On: Thursday, 07
December 2023 16:19

Case # 23-00000207

Parcel # : 286111

Site Address: 1210 LLOYD

Case Description: Property is a burnt structure. it has been open and vacant for several years. as of 9/6/2017 and no repairs have been done on the property

Note Type	Note Code	Text	Created By	Begin Date	End Date
PHOTOS		photos of property have been taking	Felix Rodriguez	10/11/23	
CORRECTIVE ACTION		building is unsafe and dangerous to the community and needs to be brought up to code or must be demo'ed. Deadline for complaince seven(7) days from the date of mailing.	Felix Rodriguez	10/11/23	

STATE OF TEXAS

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COUNTY OF HOWARD

**CERTIFICATION OF
PHOTOGRAPHS BY FELIX RODRIGUEZ**

“With regard to the photographs in **Exhibits C-4** I am familiar with and recognize the scene depicted in the photographs. On SEPTEMBER, 27TH, 2023, I inspected the property described as:

LT 5 BK 5 STANFORD PARK (52X116) 832 ACQ 101112 0.138 ACRES Big Spring, Howard County, Texas, also known as **1210 LLOYD**, Big Spring, Texas.

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

SIGNED on the 6 day of DECEMBER, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 6 day of December, 2023
by the above referenced Affiant.




Notary Public, State of Texas

Exhibit C-4



September 27, 2023 1:47 PM



September 27, 2023 1:43 PM





September 27, 2023 1:50 PM



September 27, 2023 1:51 PM

Exhibit C-5



INCIDENT

Incident Number 170906-182746-BSFD	Incident Date 09/06/2017	NFIRS Number 0001272	Incident Type (111) - Building fire	
FDID KW601	Station Station 3	Shift C-Shift	District District 3	
Initial Dispatch Code _____				
Alarms _____	Working Fire? _____	COVID-19 was a factor _____	Critical Incident _____	Critical Incident Team _____
Temporary Resident Involvement _____				
Hazardous Materials Released _____				
Action Taken 1 (10) - Fire control or extinguishment, other				

AID

Aid Given/Received
(N) - None

LOCATION

Location Type (1) - Street address			
Address 1210 lloyd ave, big spring, Texas, 79720			
Cross Street, USNG, or Directions _____	Latitude _____	Longitude _____	Census Tract _____
Detector Alerted Occupant _____			
Property Use (400) - Residential, other	Mixed Use _____		

TIMES

PSAP Received _____	Dispatch Notified Time _____	Alarm Time 18:07:00, 09/06/2017
Arrival Time 18:12:00, 09/06/2017	Water on Fire Time _____	At Patient Time _____
Loss Stop Time _____	Controlled Time _____	Last Unit Cleared Time 18:41:00, 09/06/2017

 TIMES

Total On Scene Time

0 hrs 29 mins 0 sec

Total Incident Time

 COUNTS

Counts Include Aid Received?

No

Suppression:

Apparatus

3

Personnel

7

EMS:

Apparatus

0

Personnel

0

Other:

Apparatus

1

Personnel

1

 LOSS**Property:**

Estimated Property Losses

10

Estimated Property Value

Content:

Estimated Content Losses

10

Estimated Content Value

 PERSON/OWNER**Owner:**

Name



Business Name



Phone



Insurance Company



Total Insurance Amount



Address

 **AUTHORIZATION****Report Writer:**

Name

Sanchez, Matthew

Employee Number

1666

Assignment

LT

Authorization Date

09/06/2017

Officer in Charge:

Name

Sanchez, Matthew

Employee Number

1666

Assignment

LT

Authorization Date

09/06/2017

Quality Control:

Name



Authorization Date

 **INCIDENT NARRATIVE** **Unit Reports****ENGINE 3**

Use

(1) - Suppression

Responding From



Priority



ENGINE 3

Response Delays

Dispatch Time	Enroute Time	Arrival Time
18:07:00, 09/06/2017	18:07:00, 09/06/2017	18:12:00, 09/06/2017

At Patient Time	Clear Time	In District Time
	18:41:00, 09/06/2017	

Actions Taken:

Personnel

Matthew Sanchez, Michael Miller

Unit Narrative

Engine 3, Hazmat 1, b.c. 1 and engine 4 were dispatched to 1210 Lloyd for a structure fire. Upon arrival engine 3 saw flames coming from the interior charlie delta corner of the vacant home. The house was a small single story home which faced the north. Fire crew pulled 150 ft pre connect made entry to the home from the east charlie side back door. The back entrance of home had been secured with a sheet of plywood. Fire crew removed plywood to gain access. Fire crew then made entry and extinguished the fire which was located in the rear delta side of home. Rest of the home was inspected for fire extension. No other fire or hot spots found. Home had previously been involved in structure fire sometime in 2012 and had heavy fire and smoke damage. Unable to determine point of origin or what caused fire due to previous damage to home from the first fire. Home owner stated she had just bought the property recently and was in the process of rebuilding home but no minor or major improvements had been done to home yet. report was written by A.E. Matthew Sanchez

Created By: Miller, Michael

RESERVE 1

Use	Responding From	Priority
(1) - Suppression		

Response Delays

Dispatch Time	Enroute Time	Arrival Time
18:07:00, 09/06/2017	18:07:00, 09/06/2017	18:12:00, 09/06/2017

At Patient Time	Clear Time	In District Time
	18:41:00, 09/06/2017	

Actions Taken:

Personnel

Steven Steele, Jeff White, GABRIEL MORALES

ENGINE 4

Use	Responding From	Priority
(1) - Suppression		

Response Delays

Dispatch Time	Enroute Time	Arrival Time
18:07:00, 09/06/2017	18:07:00, 09/06/2017	18:12:00, 09/06/2017

ENGINE 4

At Patient Time

Clear Time

In District Time

18:41:00, 09/06/2017

Actions Taken:

Personnel

Courtney Shaffer, JOSH JENNINGS

UNIT 11

Use

Responding From

Priority

(0) - Other

Response Delays

Dispatch Time

Enroute Time

Arrival Time

18:07:00, 09/06/2017

18:07:00, 09/06/2017

18:12:00, 09/06/2017

At Patient Time

Clear Time

In District Time

18:41:00, 09/06/2017

Actions Taken:

Personnel

James Phelps

**Fire Module****i SITE INFO**

Alarms

Acres Burned

Resident Units In Bldg

Buildings Involved

1

Hydrant Identifier

Estimated Water Usage

🔥 IGNITION

Area of Origin

(75) - Wall assembly, concealed wall space

Heat Source

(UU) - Undetermined

Item First Ignited

(17) - Structural member or framing

Fire Confined to Item?

No

Type of Material First Ignited

(63) - Sawn wood, including all finished lumber

Cause of Ignition

(U) - Cause undetermined after investigation

Factors Contributing to Ignition 1

(UU) - Undetermined

IGNITION

Human Factors Contributing to Ignition

(N) - None

Est. Age of Person Involved

Gender of Person Involved

EQUIPMENT

Equipment Involved in Ignition

Equipment Power Source

Equipment Portability

Brand

Model

Serial Number

Year

STRUCTURE

Structure Type

(1) - Enclosed building

Stories Above Grade

1

Stories Below Grade

0

Building Status

(5) - Vacant and secured

Length

40 ft

Width

30 ft

Total Square Feet

Story of Fire Origin

1

Fire Spread

(3) - Confined to floor of origin

Item Contributing Most to Flame Spread

Type of Material

Number of Stories with Damage

Minor Damage

Significant Damage

Heavy Damage

Extreme Damage

Total Stories

PROTECTIVE SYSTEMS

Presence of Detector

(N) - None present

Detector Type

Power Supply

Detector Operations

Effectiveness (/Failure Reason)

Presence of Auto Extinguishing System

(N) - None Present

System Type

System Operation

of Sprinklers

Reason for System Failure

STATE OF TEXAS

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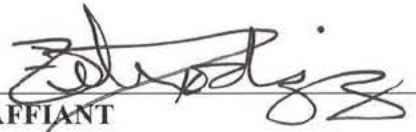
COUNTY OF HOWARD

**CERTIFICATION
NOTICE SENT BY FELIX RODRIGUEZ**

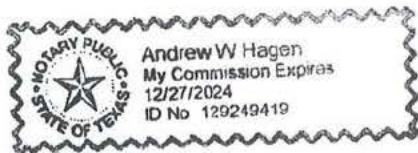
“The document in **Exhibit C-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

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

SIGNED on the 6 day of December, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 6 day of December, 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

23-00000207

PINA MARTINA
6000 N HWY 87
BIG SPRING, TX 79720

Subject Property: 1210 LLOYD , BIG SPRING, TX 00000
APN: 286111

Dear PINA MARTINA

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 is unsafe and dangerous to the community and needs to be brought up to code or must be demo'ed. Deadline for compliance seven(7) days from the date of mailing.
---	---	---

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 or by email at frodriguez@mybigspring.com.

Thank you for helping to resolve this matter.

Sincerely,

Felix Rodriguez
Code Enforcement Officer



NOTICE OF VIOLATION AND NOTICE OF HEARING

Sent via: Certified Mail; Return Receipt Requested

December 01, 2023

MARTINA PINA
6000 N HWY 87
BIG SPRING, TEXAS 79720

MARTINA PINA
1210 LLOYD
BIG SPRING, TEXAS 79720

Re: 1210 LLOYD, BIG SPRING, TEXAS 79720
LEGAL DESCRIPTION: LT 5 BK 5 STANFORD PARK (52X116) 832 ACQ
101112 0.138 ACRES, Howard County

Big Spring Code Compliance has determined that at the following structure: the MAIN STRUCTURE, at the property as stated above, is 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: 7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act. 11. Any portion of a building remains on a site after the 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 that had not been repaired. The building was abandoned and constitutes an attractive nuisance. 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	The roof appears to admit rain and has signs of deterioration. Unsafe condition.

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

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

Corrective Action Sought by Code Compliance

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

**DEMOLITION OR REPAIR
OF THE MAIN STRUCTURE.**

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

Issued by

Felix Rodriguez

Name

Code Enforcement Officer

Title

+1 (432) 264-2507

Phone

frodriguez@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, December 12, 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.

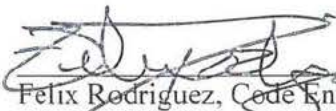
NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless,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



Felix Rodriguez, Code Enforcement Officer
City of Big Spring, Texas

9589 0710 5270 0422 7438 41

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City, State, ZIP+4® <u>Big Spring, TX 79720</u>	
PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions	

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STATE OF TEXAS

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§
§

COUNTY OF HOWARD

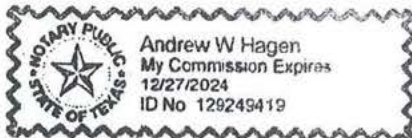
**CERTIFICATION
OF POSTING OF PUBLIC HEARING**

"The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for December 12, 2023, attached as **Exhibit C-7**, was posted on or near the front door of each dwelling unit listed in the attached notice on December 1, 2023.

SIGNED on the 6 day of December, 2023.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 6 day of December, 2023
by the above referenced Affiant.




Notary Public, State of Texas

Exhibit C-7



Code Enforcement

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

NOTICE OF PUBLIC HEARING CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD WILL HOLD A PUBLIC HEARING ON **DECEMBER 12TH, 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:

1601 YOUNG, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LTS 6-7 BK 2 MORNINGSIDE 200X107 840 BLK/TRACT 321S 0.491 ACRES ACQ 12272017 – OWNER: IDA FISHER

510 ABRAMS, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 6 BK 16 EARLES 50X130 659 BLK/TRACT 16 0.149 ACRES – OWNER: SENAIDA ARMENDAREZ & BLAS ARMENDAREZ JR

1210 LLOYD, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LT 5 BK 5 STANFORD PARK (52X116) 832 ACQ 101112 0.138 ACRES – OWNER: MARTINA PINA

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



December 1, 2023 11:12 AM

2023 HOLIDAY SANITATION SCHEDULE



THANKSGIVING – City offices will be closed Thursday, November 23, and Friday, November 24, 2023	
Wednesday, November 22, 2023	Thursday trash schedule will be picked up on Wednesday (11/22)
Thursday, November 23, 2023	NO sanitation pick up.
Friday, November 24, 2023	Friday trash schedule will be picked as usual.
CHRISTMAS – City offices will be closed Monday, December 25, and Tuesday, December 26, 2023	
Tuesday, December 26, 2023	Monday trash schedule will be picked up on Tuesday (12/26)
Wednesday, December 27, 2023	Tuesday trash schedule will be picked up on Wednesday (12/27)
NEW YEAR'S DAY – City offices closed on Monday, January 1, 2024	
Tuesday, January 2, 2024	Monday trash schedule will be picked up on Tuesday (1/2)
Wednesday, January 3, 2023	Tuesday trash schedule will be picked up Wednesday (1/3)

For questions regarding sanitation pickup, please contact the Landfill Office at 432-264-2378 or Public Works at 432-264-2501.



COMMUNITY SERVICES MEMO

Date: 12/12/23
To: Todd Darden, City Manager
From: Hayley Lewis, Community Services Director
Subject: Jefferson Park-Leadership Class #41 Project

The Big Spring Area Chamber of Commerce Leadership Class #41 has decided to upgrade Jefferson Park for their class project. They will be updating the benches and tables, adding barbeque pits and generally updating the aesthetic appeal of the park.

The Parks Department will be providing aid to the project as needed. We are excited about this venture and are grateful to the Leadership Class #41 in helping upgrade our parks.

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, November 28, 2023, with the following members present in person:

COUNCIL MEMBER TROY TOMPKINS
MAYOR ROBERT MOORE
COUNCIL MEMBER CODY HUGHES
COUNCIL MEMBER DIANE YANEZ

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	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

Rev. Allen Cross, First Presbyterian 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 were no comments at this time.

Announcements, Presentations and Public Hearings

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

YEAS: Mayor Moore, Council Member Yanez, Council Member Hughes, 4
Council Member Tompkins 0
NAYS: None

MOTION PASSED

Each public hearing listed below regarding the abatement were presented to the Council with an abatement order and pictures. The following citizens spoke regarding the listed properties:

Kenneth Wayne Banks - 710 E 17th St.

Raul Marquez - 4207 Oak St.

James Pineda - 1007 W 6th St.

Recognition of the Big Spring-Howard County Crime Stoppers Board for Receiving the Productivity Award 2022 at the 34th Annual Texas Crime Stoppers Conference.

Chad Williams, Police Chief, recognized members of the Howard County Crime Stoppers Board for receiving the Productivity Award 2022 by achieving the highest number of cases cleared within a county population ranging from 40,001 to 50,000.

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 826 W 7TH, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: LT 14 BK 4 CEDAR CREST IRR 914 ACQ 091213 0.153 ACRES - OWNER: RAMON MAGANA-RODRIGUEZ

MOTION WAS MADE BY Council Member Hughes to abate the above captioned property (826 W 7th St.), seconded by Council Member Yanez.

YEAS: Mayor Moore, Council Member Yanez, Council Member Hughes, 4
Council Member Tompkins 0
NAYS: None

MOTION PASSED

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 710 E 17TH, BIG SPRING, TEXAS 79720 - LEGAL DESCRIPTION: E/2 OF LTS 17-18 BK 2 GORDON 71.5X100 1032 ACQ 01082015 BLK/TRACT 2 .0163 ACRES - OWNER: KENNETH WAYNE BANKS

MOTION WAS MADE BY Mayor Moore to abate the above captioned property (710 E 17th St.-Attached Garage), seconded by Council Member Hughes.

YEAS: Mayor Moore, Council Member Yanez, Council Member Hughes, 4
Council Member Tompkins 0

NAYS: None

MOTION PASSED

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 903 E 14TH, BIG SPRING, TEXAS 79720 - LEGAL
DESCRIPTION: LT 11 BK 31 COLE & STRAYHORN 50X140 428 ACQ 042010
BLK/TRACT 31 .0161 ACRES - OWNER:JUANA A. MENDOZA

MOTION WAS MADE BY Mayor Moore to abate the above captioned property (903 E 14th St.), seconded by Council Member Hughes.

YEAS: Mayor Moore, Council Member Yanez, Council Member Hughes, 4
Council Member Tompkins 0

NAYS: None

MOTION PASSED

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 4207 OAK ST, BIG SPRING, TEXAS 79720 - LEGAL
DESCRIPTION: LT 4 BK 3 MESA 50X130 MH 10X46 NO LABEL #051 ACQ 02282022
BLK/TRACT 3 0.149 ACRES - OWNER: RAUL MARQUEZ

MOTION WAS MADE BY Council Member Tompkins to abate the above captioned property (4207 Oak St.) in 60 days, seconded by Council Member Hughes.

YEAS: Council Member Yanez, Council Member Hughes, Council Member 3
Tompkins 1

NAYS: Mayor Moore

MOTION PASSED

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 1007 W 6TH, BIG SPRING, TEXAS 79720 - LEGAL
DESCRIPTION: LTS 3-4 & W/2 OF LT 5 BK 12 JONES VALLEY 50X140 800 0.402 ACRES ACQ 03102017 - OWNER: JAMES PINEDA, DEBBIE PINEDA, JOSE PINEDA, & DIANA BABCOCK

MOTION WAS MADE BY Council Member Yanez to abate the above captioned property (1007 W 6th St. - Carport Addition), seconded by Council Member Hughes.

YEAS: Mayor Moore, Council Member Yanez, Council Member Hughes, 4
Council Member Tompkins 0

NAYS: None

MOTION PASSED

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 1011 W 7TH, BIG SPRING, TEXAS 79720 - LEGAL

DESCRIPTION: LESS S/50 OF LTS 1-2 BK 13 JONES VALLEY 100X90 833 0.207 ACRES ACQ 100213 - OWNER: SERVANDO GUTIERREZ

MOTION WAS MADE BY Council Member Hughes to abate the above captioned property (1011 W 7th St.), seconded by Council Member Yanez.

**YEAS: Mayor Moore, Council Member Yanez, Council Member Hughes, 4
Council Member Tompkins 0**

NAYS: None

MOTION PASSED

City Manager's Report

City Manager's report on the following items:

- Update - Large Item Pickup, District 5 - Picked Up 5.8 Tons
- Discussion of the Availability of Animal Traps for Public Use
- Reminder - Two Council Meetings Set for December 12th

Todd Darden, City Manager, reported on the above captioned items as follows; Large item pickup for District 5 picked up 5.8 tons of items; Reminded citizens that the Big Spring Police Department has animal traps available for the public to use; Reminder that the two Council meetings in December will both be held on December 12, 2023; and also announced that the Big Spring Municipal Court office will be closed to the public the week of December 4th - 8th for a software update.

Consent Items

Approval of the City Council Minutes of the Regular Meeting of November 14, 2023.

Acknowledge Receipt of the Big Spring Economic Development Corporation Board of Directors Minutes for the Regular Meeting of October 17, 2023

Acknowledge Receipt of the McMahon-Wrinkle Aviation Advisory Board Minutes for the Regular Meetings of May 15, 2023, July 20, 2023 and September 21, 2023

Final Reading of an Ordinance Amending Chapter 2 of the Big Spring City Code Entitled "Administration," Article VII "Boards and Commissions," Division 10 "Convention and Visitors Bureau Board" Section 2-315 by Amending Subsection (e) to Activate the Convention and Visitors Bureau Board; Providing for the Repeal of Conflicting Legislation; Providing for Severability; Finding and Determining that the Meetings at Which the Ordinance was Discussed Were Open to the Public as Required by Law; and Providing an Effective Date

Final 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 a Reallocation of Funds Within the Airpark Fund Budget for the Purpose of the Construction of a Road, Utilizing the Ramp Funds; Providing for Severability; Providing for Publication; and Providing an Effective Date

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

YEAS: Mayor Moore, Council Member Yanez, Council Member Hughes, 4
Council Member Tompkins 0

NAYS: None

MOTION PASSED

Vouchers

Vouchers for 11/17/23 \$ 1,123,066.95

Drafts \$ 844,175.50

Council Member Tompkins reviewed the above captioned vouchers.

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

YEAS: Mayor Moore, Council Member Yanez, Council Member Hughes, 4
Council Member Tompkins 0

NAYS: None

MOTION PASSED

New Business

First Reading of an Ordinance Establishing the Pay Schedule for Classified Positions Within the Police Department for the Fiscal Year 2023-24; Providing for Repeal of Ordinances in Conflict Herewith; Finding and Determining that the Meetings at Which the Ordinance was Discussed were Open to the Public as Required by Law; and Providing an Effective Date

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

YEAS: Mayor Moore, Council Member Yanez, Council Member Hughes, 4
Council Member Tompkins 0

NAYS: None

MOTION PASSED

Consideration and Possible Action to Authorize the City Manager to Negotiate and Execute a Pipeline Right of Way License for a Term of 10 or More Years with WTG Gas Processing, LLC for a portion of Section 25, Block 33, T-1-N, T&P RR Co. Survey, Howard County.

MOTION WAS MADE BY Council Member Yanez to approve the above captioned Right of Way License, seconded by Council Member Hughes.

YEAS: Mayor Moore, Council Member Yanez, Council Member Hughes, 4
Council Member Tompkins 0

NAYS: None

MOTION PASSED

Consideration and Possible Action Regarding an Agreement with Vector Fleet 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 Yanez.

YEAS: Mayor Moore, Council Member Yanez, Council Member Hughes, 4
Council Member Tompkins 0

NAYS: None

MOTION PASSED

Consideration and Possible Action of an Engineering Services Agreement with Jacob Martin for Lead Service Line Inventory and Authorizing the City Manager to Execute any Necessary Documents.

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

YEAS: Mayor Moore, Council Member Yanez, Council Member Hughes, 4
Council Member Tompkins 0

NAYS: None

MOTION PASSED

Boards and Committees

Consideration and Possible Action on the Below Listed Board Member as Follows:

MOTION WAS MADE BY Mayor Moore to accept the below listed resignation and appoint the below listed board members, seconded by Council Member Hughes.

YEAS: Mayor Moore, Council Member Yanez, Council Member Hughes, 4
Council Member Tompkins 0

NAYS: None

MOTION PASSED

Zoning Board of Adjustments

Resignation of Jeanie Knocke

Convention and Visitors Bureau Board

Drew Mouton - Appointment - Mayor

Inez Denise Morgan - Appointment - Dist. 3

Zac Phinney - Appointment - Dist. 5

Jeanie Knocke - Appointment - Dist. 6

Howard County 911 District Board
Scott Emerson - Appointment - Mayor
(Debra Wallace, term has expired)

Council Input

Input

No council input at this time.

Executive Session

MOTION WAS MADE BY Council Member Tompkins to adjourn into the below listed executive sessions at 6:45 p.m., seconded by Council Member Hughes.

**YEAS: Mayor Moore, Council Member Yanez, Council Member Hughes, 4
Council Member Tompkins 0**

NAYS: None

MOTION PASSED

Adjourn into Executive Session in Accordance with the Purposes Permitted by the Open Meetings Act, Section 551.087, Texas Government Code, "Deliberation Regarding Economic Development Negotiations; Closed Meeting" to Discuss and Deliberate Economic Development Negotiations.

Adjourn into Executive Session in accordance with the purposes permitted by the Open Meetings Act, Section 551.072, Texas Government Code, "Deliberation Regarding Real Property; Closed Meeting," to Deliberate the Purchase, Exchange, Lease or Value of Real Property where Deliberation in an Open Meeting Would have a Detrimental Effect on the Position of the City in Negotiations with a Third Party.
adjourn at 6:44 pm

Reconvene into Open Session and Take Any Necessary Action on Executive Session Items.

City Council reconvened into open session at 7:03 p.m.

MOTION WAS MADE BY Council Member Tompkins to authorize Big Spring Economic Development to proceed with the sale of 300 plus acres of land NE of Big Spring, seconded by Council Member Hughes.

**YEAS: Mayor Moore, Council Member Yanez, Council Member Hughes, 4
Council Member Tompkins 0**

NAYS: None

MOTION PASSED

Adjourn

Mayor Moore adjourned the City Council meeting at 7:04 p.m.

Robert H. Moore III, Mayor

ATTEST:

Tami L. Davis, City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, ESTABLISHING THE PAY SCHEDULE FOR CLASSIFIED POSITIONS WITHIN THE POLICE DEPARTMENT FOR THE FISCAL YEAR 2023-24; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH THE ORDINANCE WAS DISCUSSED WERE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council desires to amend the Police Department pay plan for the fiscal year 2023-24;

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

SECTION 1. The pay schedule for the Police Department as shown in Exhibit “A”, which is attached hereto and incorporated herein for all purposes as if copied herein verbatim, is adopted as the pay schedule for the classified positions within the Police Department of the City of Big Spring for fiscal year 2023-24. In the event the City Council does not take action to amend the pay schedule in the years following 2024, the pay plan provided shall remain in effect for subsequent years.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 3. 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 4. This ordinance shall be in force and effect beginning January 1, 2024.

SECTION 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and of the United States of America.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **28th** day of **November, 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 12th 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

Exhibit A

City of Big Spring Police Department Pay Plan FY 23-24

Rank	Grade & Step	Old Pay Rate	New Pay Rate	Bi-weekly	HCP
Non-Cert Police Officer	P0-01	22.641	22.641	\$ 1,811.28	
Police Officer	P1-01	25.117	26.875	\$ 2,150.00	\$ -
Corporal	P2-01	27.047	28.805	\$ 2,304.40	\$ 1.930
Corporal 1 st Class	P3-01	29.128	30.847	\$ 2,467.76	\$ 2.042
Senior Corporal	P4-01	30.601	32.391	\$ 2,591.28	\$ 1.544
Sergeant	P5-01	32.151	34.016	\$ 2,721.28	\$ 1.625
Sergeant 1 st Class	P6-01	34.976	36.550	\$ 2,924.00	\$ 2.534
Master Sergeant	P7-01	36.747	38.401	\$ 3,072.08	\$ 1.851
Lieutenant	P8-01	38.604	40.321	\$ 3,225.68	\$ 1.920
Senior Lieutenant	P9-01	42.534	43.810	\$ 3,504.80	\$ 3.489

Narcotics Officers

Includes authorized personnel only, specifically:

		Pay Rate	Bi-weekly
(1) Master Sergeant	P7-01	38.401	\$ 3,072.08
(1) Corporal	P2-01	28.805	\$ 2,304.40
(1) Corporal - 1 st Class	P3-01	30.847	\$ 2,467.76
(1) Senior Corporal	P4-01	32.391	\$ 2,591.28

Additional Assignment Pay

Night Shift Differential	5% Hourly Increase from 6:00 pm to 6:00 am
Instructor	5% Hourly Increase when teaching
Field Training (FTO)	5% Hourly Increase when field training new officer

Monthly Incentive Pay

Education Monthly Pay

Associates	\$ 100.00
Bachelors	\$ 200.00



INTEGRITY
EXCELLENCE
TRUST

December 7, 2023

Mr. John Medina
Assistant City Manager
City of Big Spring
310 Nolan Street
Big Spring, Texas 79720

Re: TDA-CDV21-0164
Runnels Street Water Line Replacement
Letter of Recommendation for Award

Sent: Via Email

Dear Mr. Medina:

On November 29, 2023, the City of Big Spring received bids for the Runnels Street Water Line Replacements project funded through the Texas Department of Agriculture. Three bids were received for this project. However, one bidder rescinded their bid claiming that they did not clearly understand the scope of the project when they submitted their bid. A bid tabulation sheet summarizing the two remaining bids is included as an attachment to this letter. The bid tabulation included a base bid and a deductible alternate bid. The deductible alternate bid was included to provide the City Council flexibility when awarding the bid. If the deductible alternate bid is also awarded, then the base bid would be reduced by that amount.

The low total base bid was \$530,000.00 submitted by Whitewater Construction, Inc. out of Waco, Texas. Jacob and Martin has evaluated the low bid for conformity with the advertisement for bids and checked the references of the apparent low bidder. Based on our evaluation of the bids, it is recommended that the contract be awarded to Whitewater Construction for the total amount of \$530,000.00. However, the City could alternatively choose to award the contract with the deductible alternate, which would lower the contract amount to \$394,940.00. If the City Council agrees with the recommendation to award, Jacob and Martin will prepare contract documents for execution by the Contractor and the City. Feel free to contact me if you have any questions.

Sincerely,

Kirt Harle, P.E.

JACOB | MARTIN



325.695.1070
817.594.9880



info@jacobmartin.com
www.jacobmartin.com



3465 Curry Lane
Abilene, TX 76906

1508 Santa Fe, Suite 203
Weatherford, TX 76086

TBPE Firm #: 2448

TBAE Firm #: BR 2261

TBPLS Firm #: 10024300 – Abilene

TBPLS Firm #: 10193992 - Weatherford

City of Big Spring
Runnels St. Water Line Replacement
Bid Date: November 29, 2023
JM Project Number: 21204
TDA-CDBG Number: CDV21-0214
Bid Tabulation



Engineer: Jacob & Martin, LLC
Abilene, Texas

For all Labor, Materials, Equipment, and Incidentals to Furnish and Install the Following:

Whitewater Construction, Inc.		Brett Construction Company	
6632 Old Mexia Road		2007 NCR 1120	
Waco, TX 76705		Midland, TX 79706	
	Total		Total
	\$ 530,000.00		\$ 664,120.00

DEDUCTIBLE ALTERNATE BID

			Total		Total
	<u>TOTAL DEDUCTIBLE ALTERNATE BID (ITEMS D1-D9)</u>		\$ 135,060.00		\$ 167,235.00

(*) - Extension Error



COMMUNITY SERVICES MEMORANDUM

Date: 12/12/2023
To: Mayor and City Council
Todd Darden, City Manager
From: Hayley Lewis, Community Services Director
Subject: Event Funding Request

We are respectfully requesting City Council approve the staff recommendation of \$1,000 for event funding for the Together Trail Race hosted by Midland Athletic Company to take place at the Big Spring State Park on February 17, 2024. This is the second time for this event and it is estimated to bring in 9 hotel rooms.

This event meets the stipulations required by THLA to receive HOT funds and will be funded by the Convention and Visitors Bureau Event Funding budget.

If approved, the event funding budget will have a balance of \$61,200 for the remainder of the fiscal year.

CVB Event Funding - Cover Sheet

Event:	Together Trail Race
Event Date:	2/17/2024
Sponsoring Organization:	Midland Athletic Company
Date Request Received:	12/11/2023
Amount Requested:	\$2,475.00
Staff Recommendation:	\$1,000.00
Action:	
Estimated Hotel Rooms on Application:	9
Hotel Rooms from Previous Year	9

5 Year Requests

Date Requested	Event Date	\$ Funded	Follow-up	Profit/Loss	Hotel Rooms
1/24/2023	2/11/2023	\$2,500.00	3/6/2023	\$1,117	9



Application

Date: 1/16/2023

Organization Information

Name of Organization:
Midland Athletic Company

Address:
3326 N. Midkiff Road

City, State, Zip:
Midland, Texas, 79706

Contact Name: Kayla Melendez Contact Phone Number: 432-230-7677

Contact Email: RD@midlandathleticcompany.com

Second Contact Name: Martin Vega Second Contact Email: events@midlandathleticcompany.com
432-889-5195

Second Contact Phone Number: _____

Web Site Address for Event or Sponsoring Entity www.midlandathleticcompany.com

Non-Profit or For-Profit status: Part/ Part Tax ID #: Federal Tax ID # (EIN): 88-3764233
Texas State Sales Tax (Tax Exempt) #: 3-20815-4362-4

Purpose of your organization:

Midland Athletic Company has a store front that sell athletic apparel and shoes. In addition,
Midland Athletic Company has an event production business that works along side non-profit
businesses to create events that benefits the non-profit and fun experiences for participants.

Midland Athletic Company has filed for their event business to be a non-profit entity which will be
completed by Feb 2024.

Event Information
Name of Event Together Trail Race

Date of Event February 17, 2024

Primary Location of Event: Big Spring State Park

THLA Event Funding Formula:

of Hotel Rooms 9 X \$150(amount per room)=\$ 1350 X %50 of Hotel Revenue=
\$ 675

Outside of Howard County Advertising: \$ 1,800

Total Amount Requested: \$ \$2475



How will the funds be used:

Fund will be used for cost of advertisement as well as cost of the productions of the events including, but not limited to, cost of medals, food, the band, and water.

Additionally, we plan to use funds for payment for race day personnel for additional support.

Description of Activities Planned (include schedule of events, samples of posters, flyers, ads, etc.) The event includes options for 3.5 mile, 7 mile, 10.5 mile trail race. We plan to have a live band as well as pancake breakfast after the event.

For advertising we plan to post flyers, give away post cards to all store visitors, create ads on social media, and run clinics which also provide learning opportunities.

Questions for All Funding Request Categories:

1. How many years have you held this Event First Year

2. Expected Attendance: 200+

3. How many people attending the Event will use Big Spring hotels? 9+

Number of nights the visitors will stay (approximate): 1

4. Do you reserve a room block for this event at an area hotel and if so, for how many rooms and at which hotels:

Not currently but we will be in contact with Settles Hotel to arrange.

5. Will you negotiate a special rate or hotel/event package to attract overnight stays?

Last year we did a GIVEAWAY with the Settles Hotel and are hoping to do the same this year.

6. How will you measure the impact of your event on area hotel activity (e.g.; room block usage information, survey of hoteliers, etc.)? Survey the participants after the event.

7. Please list other organization, government entities, and grants that have offered financial support to your project:

Currently in the process of securing support for local businesses.

8. Will the event charge admission? Do you anticipate a net profit from the event? If there is a net profit, what is the anticipated amount and how will it be used?



The event will charge admission (\$30 single loop, \$40 double loop, \$50 triple loop). We hope for a net profit but margins are narrow for first year event. We anticipate \$3000-5000.

9. Please list all promotion efforts your organization is coordinating and the amount financially committed to each media outlet:

Local:

Out of Area:

Newspaper:	Paid social media advertisement via Instagram and Facebook, Email marketing (15,000+), Text Messaging
Radio:	
Tv:	
Other Paid Advertising:	

Number of Press Releases to Media _____

Number Direct Mailings to out-of-town recipients _____

Other Promotions _____

10. Will you include a link to the CVB or other source on your promotional handouts and in your website? Yes, we can

11. What new marketing initiatives will you utilize to promote hotel and convention activity for this event? Also include any marketing outside of Howard County.
Social Media marketing, email marketing, text marketing.

This event is: X Regional ___ Statewide ___ National ___ International

Does this event fall under the Texas Hotel Lodging Two Part Test:

1. Heads in Beds?

a. Yes

b. No

___ Convention Centers/Visitor Information Center ___ Registration of Convention Delegates

___ Advertising ___ Promotions of Arts ___ Historical Restoration or Preservation X Sporting Events

___ Transportation ___ Signage

I have read and I understand the requirements of the Convention and Visitors Bureau event funding application. I understand that failure to submit a follow up report within 90 days could possibly result in my event not receiving funds in the following year. KM Initial

Kayla Melendez
Signature

11/14/23
Date

Kayla Melendez
Printed Name

Pre Event

REVENUE:

Start up Revenue (from previous proceeds, other sponsors, etc.)

Please list all sponsors individually

Projected

Sponsorships	\$15,000	Goal
Event Revenue	\$6,000	
Total Projected Revenue	\$ \$21,000	\$
EXPENSES:		
Band	1,200	
Food	\$600	
Drinks	\$200	
Bibs	\$200	
Medals	\$800	
Socks	\$1500	
Hats	\$1000	
Insurance	\$300	
Timing	\$1200	
Race day personnel	\$1000	
Event Director Fee	\$10,000	
Total Projected Expenses	\$ \$18,000	\$
Projected Profit (Loss)	\$ \$3,000	\$

Event Funding December 12, 2023

Event	Hotel Rooms	\$150	50% of Hotel Revenue	Advertising	Total	Requesting	Staff Recommendation
Together Trail Race	9	\$1,350.00	\$675.00	\$1,800.00	\$2,475.00	\$2,475.00	\$1,000.00

Event Funding:	Advertising:	\$1,000.00
\$675.00	\$325.00	

Event Funding Cap

300+ room nights	\$ 25,000.00
200-300	\$ 20,000.00
150-200	\$ 17,000.00
100-150	\$ 15,000.00
75-100	\$ 10,000.00
50-75	\$ 7,000.00
25-50	\$ 5,000.00
11 to 25	\$ 2,500.00
Less than 10	\$ 1,000.00

Event	Received	Event Date	Decision Date	Requested	Total Amount Approved	Event Funding	Advertising	Follow Up	Hotel Rooms
Oktoberfest	9/27/2023	10/27/2023	10/10/2023	\$13,000.00	\$12,800.00	\$7,800.00	\$5,000.00		
Together Trail Race	11/14/2023	2/17/2024	12/11/2023	\$2,475.00					
				\$15,475.00	\$12,800.00	\$7,800.00	\$5,000.00		

Totals:

2021-2022 Event Funding Budget \$75,000.00

Total Funded YTD \$12,800.00

Available Balance \$62,200.00

Requested This Month \$2,475.00

Pending Balance \$59,725.00

Staff Recommendation \$1,000.00

Pending Balance using Staff Recommendation \$61,200.00

Potential Events	Received	Event date	Amount Funded	Hotel Rooms
Texas Junior Disc Open	2/2/2023	6/24-25/2023	\$3,750.00	50
Southwest Hoops Big Spring Classic	3/3/2023	04/21-23 & 05/19-21/2023	\$12,000.00	280
Hidden Gems Basketball Tournament	5/11/2023	06/1-4/2023	\$5,000.00	40
Howard College Basketball Classic	9/12/2023	12/1-2/2023	\$4,500.00	26
A Joyful Season	10/26/2021	4/30-5/1/2022 & 11/5-6/2022	\$2,500.00	40
Pops in the Park	6/28/2022	7/3/2022	\$3,000.00	40
			<u>\$30,750.00</u>	

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, ANNEXING THE HEREINAFTER DESCRIBED TERRITORY INCLUDING A CERTAIN 11.06 ACRE TRACT AT AN ADDRESS COMMONLY KNOWN AS 1801 WEST I-20 TO THE CITY OF BIG SPRING, HOWARD COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY; AND ADOPTING A SERVICE PLAN OR AGREEMENT; PROVIDING FOR THE REPEAL OF CONFLICTING LEGISLATION; PROVIDING FOR SEVERABILITY; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH THE ORDINANCE WAS DISCUSSED WERE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City of Big Spring is home rule municipal corporation of the State of Texas; and

WHEREAS, The City Council of Big Spring is the governing body of the City of Big Spring;

WHEREAS, The City of Big Spring is the landowner of the territory that is the subject of annexation;

WHEREAS, The City of Big Spring hereby institutes annexation by petition of the landowner in accordance with the provisions of Chapter 43 of the Texas Local Government Code;

WHEREAS, The requirement for an offer of a development agreement pursuant to §43.016 of the Texas Local Government Code has been waived as if the same were made and rejected;

WHEREAS, Chapter 43 of the Texas Local Government Code and the Charter of the City of Big Spring authorize the annexation of territory, subject to the laws of this state; and

WHEREAS, Resolution 012-2023 of the City Council of Big Spring, and the laws of this state have been duly followed with respect to the following described territory, to wit:

Legal Description: LT 1 BK 1 MID TEX CORNELL CORRECTIONS PRISON LOCATED @ 1801 WEST I-20 025 026 027 028.01 BLK/TRACT 1 11.06 ACRES, in the records of Howard County, Texas. Geographic ID: B4450000100, further described in Exhibit A.

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. Exhibits A and B are hereby attached and incorporated herin.

SECTION 3. The City of Big Spring, Howard County, Texas, being the landowner on record of the heretofore described property, hereby unconditionally and categorically waives any and all requirements that the City of Big Spring offer a development agreement to the landowner, and that the waiver thereof shall not operate as to impugn, negate, void, defect, or otherwise adversely affect the validity or enforceability of the annexation nor the due process heretofore and thenceforth followed. For the avoidance of doubt, the landowner, being the City of Big Spring, Howard County, Texas, hereby agrees that this waiver shall have the same effect and consequence, for all intents and purposes, as if a development agreement of reasonable terms had been duly offered by the City of Big Spring and expressly and wholly rejected by the landowner.

SECTION 4. The heretofore described property is hereby annexed to the City of Big Spring, Howard County, Texas, and that the boundary limits of the City of Big Spring be and the same are hereby extended to include the above described territory within the city limits of the City of Big Spring, and the same shall hereafter be included within the territorial limits of said city, and the inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens of the City of Big Spring and they shall be bound by the acts, ordinances, resolutions, and regulations of said city.

SECTION 5. A service plan for the area is hereby adopted as stated in Exhibit B.

SECTION 6. 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 7. 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 8. 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.

SECTION 9. The City Secretary is hereby directed to file a certified copy of this ordinance and a map of the City of Big Spring that shows the change in boundaries, with the annexed territory resulting from this annexation clearly distinguished, with the Office of the Texas Comptroller of Public Accounts.

SECTION 10. The City Secretary is hereby directed to file with the County Clerk of Howard County, Texas, a certified copy of this ordinance.

SECTION 11. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and of the United States of America.

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

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

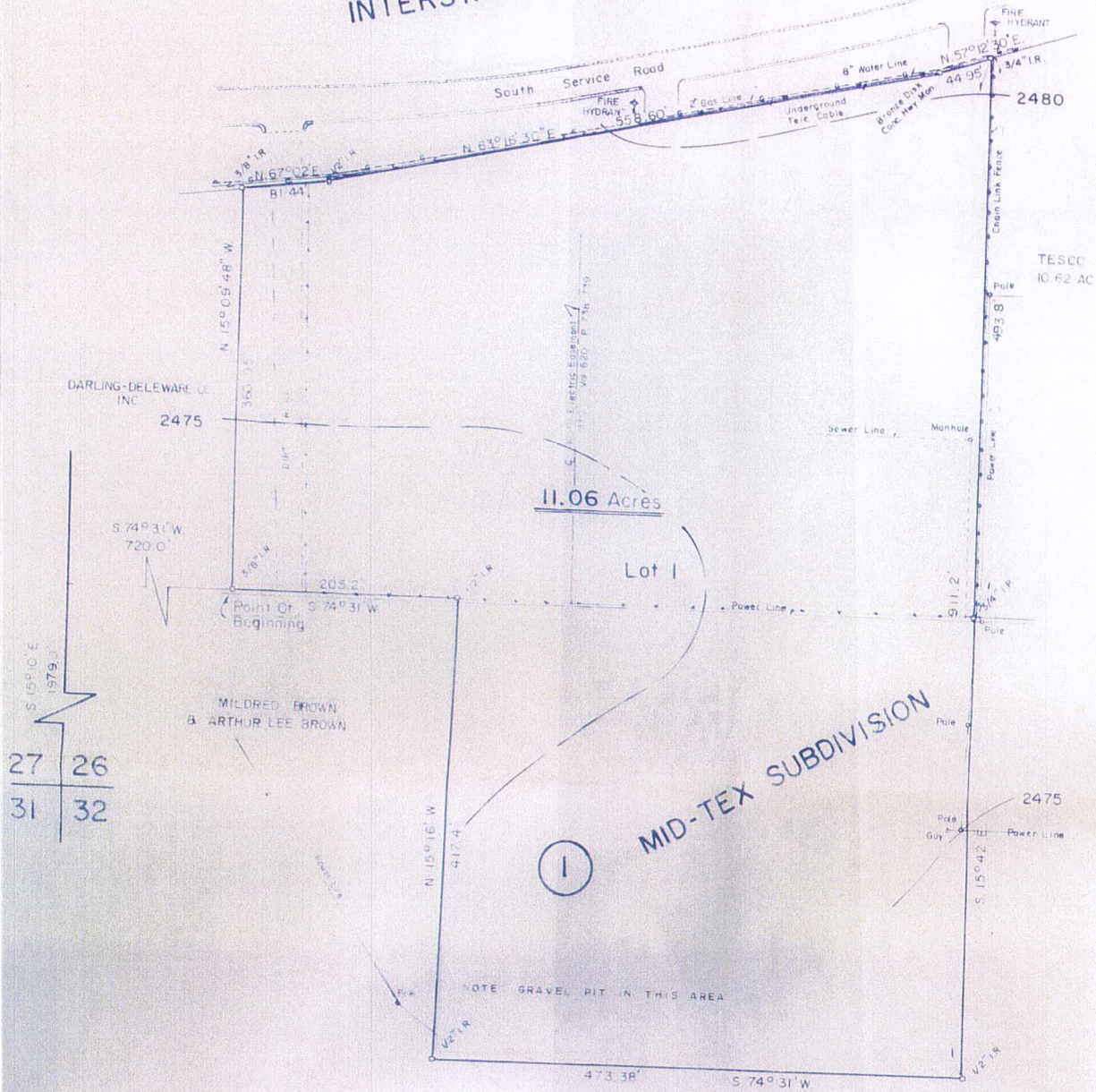
Robert H. Moore III, Mayor

ATTEST:

Tami L. Davis, City Secretary

EXHIBIT A

INTERSTATE HIGHWAY NO. 20



PLAT

of

MID-TEX SUBDIVISION

AN ADDITION TO THE CITY OF BIG SPRING,

A 11.06 ACRE TRACT OUT OF THE SW¹/₄ OF
SECTION 26, BLOCK 33, T-1-N, T. & P. RR. CO. SURVEY,
HOWARD COUNTY, TEXAS

Scale 1" = 100'

CERTIFICATE OF OWNER/SUBDIVISION

STATE OF TEXAS

COUNTY OF HOWARD

I (we), the undersigned, owner(s) of the land shown on this plat, and designated herein as the **MID-TEX SUBDIVISION**

An Addition to the City of Big Spring, Texas and whose name(s) is (are) subscribed hereto, hereby declare my (our) intention to dedicate to the use of the public forever all streets, alleys, parks, water courses, drains, easements and public places as shown hereon

Ed Davenport
Ed Davenport

STATE OF TEXAS

COUNTY OF HOWARD

BEFORE ME, the undersigned authority, on this day personally appeared **Ed Davenport**

known to me to be the person(s) whose name(s) is (are) subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 28th day of OCT., 1988.

Martha Calhoun
Notary Public in and for
Howard County, Texas

CERTIFICATION OF THE CITY SECRETARY

I hereby certify that the above and foregoing Plat of **MID-TEX SUBDIVISION**, An Addition to the City of Big Spring, Texas, was approved by the City Council of the City of Big Spring on the 24th day of JANUARY, 1989.

This approval shall be invalid unless the approved plat of such addition is recorded in the office of the County Clerk of Howard County, Texas, within sixty (60) days from said date of final approval.

Said addition shall be subject to all the requirements of the Subdivision Ordinance of the City of Big Spring.

Witness my hand this 25th day of January, 1989

Sara East
Asst. City Secretary

CERTIFICATION OF PLANNING COMMISSION

This Final plat has been submitted to and considered by the Planning Commission of the City of Big Spring, Texas, and is hereby approved by such Commission.

DATED this 5th day of JANUARY, 1989

By *Jan L. Weaver*
Chairman

DESCRIPTION

a Tract of land out of the SW/4 of Section 26, Block 33, R. Co. Survey, Howard County, Texas, described by metes and

1" I.R. in the SW/4 of Section 26, Block 33, T-1-N, T. & S. Howard County, Texas, for the most Northerly SW corner from whence the SW corner of said Section 26, bears S. and S. 15°10' E. 1979.0'

8" W. 360.95' to a 3/8" I.R. in the South right-of-way Highway No. 20, for the NW corner of this tract

E. along the South right-of-way line of said Interstate 1.44' to a 5" I.R. for a point of angle in the North line

0" E. along the south right-of-way line of said Interstate 558.6' to a Bronze Disk in a Concrete Highway Marker for in the North line of this tract

4" E. along the South right-of-way line of Interstate Highway 2 a 3/4" I.R., the NW corner of a 10.62 Acre Tract and for this tract

E. at 493.8' pass a 3/4" I.P., the SW corner of said 10.62 in all to a 5" I.R., for the SE corner of this tract

W. 473.38' to a 4" I.R. for the most Southerly SW corner

W. 417.4' to a 5" I.R. for an interior corner of this

W. 205.2' to the place of beginning.

Acres of Land.

CERTIFICATION OF ENGINEER

STATE OF TEXAS

COUNTY OF HOWARD

I, the undersigned, a Registered Professional Engineer in the State of Texas, hereby certify proper engineering consideration has been given this plat.

Richard A. Dormier
Registered Professional Engineer
10-25-88
STATE OF TEXAS
RICHARD A. DORMIER
50570
REGISTERED PROFESSIONAL ENGINEER

CERTIFICATION OF SURVEYOR

STATE OF TEXAS

COUNTY OF HOWARD

I, the undersigned, a Registered Public Surveyor in the State of Texas, hereby certify, to the best of my knowledge and belief, that the plat is true and correct, that it was prepared from an actual survey of the property under my supervision on the ground, that all necessary monuments are currently in place thereon.

Michael Lynn McBrat
Registered Public Surveyor
STATE OF TEXAS
MICHAEL LYNN MCBRAT
4161
REGISTERED PUBLIC SURVEYOR

Four Lines Lifted From U.S.G.S. Map. Knott SE, TEX

ADDITIONAL DATA

5. PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARD ZONE SHOWN BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FEDERAL INSURANCE ADMINISTRATION MAP, COMMUNITY PANEL NO. 4803600005, DATED SEPT. 30, 1981

FILED FOR RECORD 382

on 25th day of Jan, 1989 at 5:00 o'clock and 25 minutes

envelope Howards County Plat
Cords:
Margaret Ray
County Clerk: *Margaret Ray*
Wanda Anderson
Deputy

Added TO ELECTRIC EASEMENT 10/13/88

GSW & Associates I
Geomatics Engineers Registered Public Surveyors
DALLAS HOUSTON BIG SPRING
DRWN CHK
Page 167 of 172

LEGAL DESCRIPTION

BEING an 11.06 Acre Tract of land out of the SW/4 of Section 26, Block 33, T-1-N, T. & P. RR. Co. Survey, Howard County, Texas, described by metes and bounds as follows:

BEGINNING at a 3/8" I.R. in the SW/4 of Section 26, Block 33, T-1-N, T. & P. RR. Co. Survey, Howard County, Texas, for the most Northerly SW corner of this tract, from whence the SW corner of said Section 26, bears S. 74°31' W. 720.0' and S. 15°10' E. 1979.0'

THENCE N. 15°09'48" W. 360.95' to a 3/8" I.R. in the South right-of-way line of Interstate Highway No. 20, for the NW corner of this tract

THENCE N. 67°02' E. along the South right-of-way line of said Interstate Highway No. 20, 61.44' to a 1/2" I.R. for a point of angle in the North line of this tract

THENCE N. 63°16'30" E. along the south right-of-way line of said Interstate Highway No. 20, 558.6' to a Bronze Disk in a Concrete Highway Marker for a point of angle in the North line of this tract

THENCE N. 57°12'30" E. along the South right-of-way line of Interstate Highway No. 20, 44.95' to a 3/4" I.R., the NW corner of a 10.62 Acre Tract and for the NE corner of this tract

THENCE S. 15°42' E. at 493.8' pass a 3/4" I.R., the SW corner of said 10.62 Acre Tract, 911.2' in all to a 1/2" I.R., for the SE corner of this tract

THENCE S. 74°31' W. 473.36' to a 1/2" I.R. for the most Southerly SW corner of this tract

THENCE N. 15°16' W. 417.4' to a 1/2" I.R. for an interior corner of this tract

THENCE S. 74°31' W. 205.2' to the place of beginning.

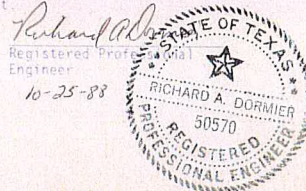
Containing 11.06 Acres of Land.

CERTIFICATION OF ENGINEER

STATE OF TEXAS

COUNTY OF HOWARD

I, the undersigned, a Registered Professional Engineer in the State of Texas, hereby certify that proper engineering consideration has been given this plat.

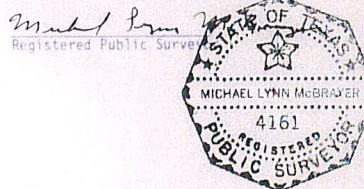


CERTIFICATION OF SURVEYOR

STATE OF TEXAS

COUNTY OF HOWARD

I, the undersigned, a Registered Public Surveyor in the State of Texas, hereby certify, to the best of my knowledge and belief, that this plat is true and correct, that it was prepared from an actual survey of the property made under my supervision on the ground, and that all necessary monuments are currently shown thereon.



Contour Lines Lifted From U.S.G.S. Map, Knott SE, TEX

FLOOD HAZARD DATA

THIS PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARD ZONE AS SHOWN BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FEDERAL INSURANCE ADMINISTRATION MAP, COMMUNITY PANEL NO. 4803600005, DATED SEPT. 30, 1981

Orig
FILED FOR RECORD

This 25th day of Jan, 1989
at 11 o'clock and 25 minutes
in envelope
Records, Howard County Plat

Margaret Ray
County Clerk: Margaret Ray
By Deputy Wanda Overman

Added TO ELECTRIC EASEMENT 10/13/88

	GSW & Associates Inc.			
	Consulting Engineers Registered Public Surveyors DALLAS HOUSTON BIG SPRING			
DRWN	CHKD	SUR	FN	
BY	B. L.	M. M.	M. M.	

EXHIBIT B

MUNICIPAL SERVICES STATEMENT OF THE CITY OF BIG SPRING, TEXAS, OWNER FOR ANNEXATION OF 1801 WEST I-20

This Statement is made on the 12th day of December, 2023, by the City Council of the City of Big Spring, Texas, a home-rule municipality of the State of Texas (hereinafter the “City”), pursuant to § 43.0672 of the Texas Local Government Code (hereinafter, the “LGC”) and, contemporaneously, as Owner of the property described and set forth in Exhibit A attached.

RECITALS

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

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

WHEREAS, by Resolution No. 011-2023, the City Council of Big Spring filed a request with the City petitioning for full-purpose annexation of the Property;

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

WHEREAS, the City is itself the Owner of this Property and while the City cannot enter into an agreement with itself, the City is hereby making this Municipal Services Statement;

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

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

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

WHEREAS, the Ordinance Annexing Territory and execution of this Statement are subject to approval by the Big Spring City Council; and

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

1. **PROPERTY.** This Statement is only applicable to the Property, which is the subject of the

Ordinance Annexing Territory.

2. **INTENT.** It is the intent of the City that this Statement provide for the delivery of available municipal services to the Property in accordance with state law, which may be accomplished through any means permitted by law.

3. **MUNICIPAL SERVICES.**

- a. Commencing on the effective date of annexation, the City will provide the municipal services set forth below. As used in this Statement, “providing services” includes having services provided by any method or means by which the City may extend municipal services to any other area of the City, including the City's infrastructure extension policies and developer or property Owners’ participation in accordance with applicable city ordinances, rules, regulations, and policies.

- i. Fire – The City’s Fire Department will provide emergency and fire protection services.

- ii. Police – The City’s Police Department will provide protection and law enforcement services.

- iii. Emergency Medical Services - The City’s Fire Department will provide emergency medical services.

- iv. Planning, Zoning, and Building – The City will provide comprehensive planning, land development, land use, and building review and inspection services in accordance with all applicable laws, rules, and regulations.

- v. Publicly Owned Parks, Facilities, and Buildings

1. Residents of the Property will be permitted to utilize all existing publicly-owned and available parks, facilities (including, community service facilities, the aquatic center, etc.), and buildings throughout the City and as owned by the City. Any private parks, facilities, and buildings will be unaffected by the annexation; provided, however, that the City will provide for maintenance and operation of the same upon acceptance of legal title thereto by the City and appropriations therefor.

2. In the event the City acquires any other parks, facilities, or buildings necessary for City services within the Property, the appropriate City department will provide maintenance and operations of the same.

- vi. Streets The City will maintain the public streets and streetlights over which the City has jurisdiction. The City will provide regulatory signage services in accordance with the City policies and procedures and applicable laws.

- vii. Water and Wastewater

1. Owners are responsible for connecting to the City water and wastewater systems according to City specifications, rules and guidelines. Owners are also responsible for building water and wastewater mains in the Property according to City specifications, rules, and guidelines. Once connected to the City's water and wastewater mains, the City water and wastewater system will be provided by the City at rates established by City ordinances for such service.
2. New homes will be required to connect to the City's water and wastewater system at the Owners' expense.
- viii. Solid Waste Services – The City will provide solid waste collection services in accordance with existing City ordinances and policies, except where prohibited by law.
- ix. Code Compliance – The City's Code Compliance Department will provide education, enforcements, and abatement relating to code violations within the Property.
- b. It is understood and agreed that the City is not required to provide a service that is not included in this Statement.
- c. Owners understand and acknowledges that the City departments listed above may change names or be re-organized by the City Manager. Any reference to a specific department also includes any subsequent City department that will provide the same or similar services.
4. **CONSENT TO ANNEX.** The City Council of the City of Big Spring, Texas authorizes the annexation the Property.
5. **AUTHORITY.** City Council represents that they have full power, authority and legal right to execute, deliver and perform their obligations pursuant to this Statement. City acknowledges that approval of the Ordinance Annexing Territory is within the sole jurisdiction of the City Council.
6. **SEVERABILITY.** If any part, term, or provision of this Statement is held by the courts to be illegal, invalid, or otherwise unenforceable, such illegality, invalidity, or unenforceability will not affect the validity of any other part, term or provision, and the rights of the City will be construed as if the part, term, or provision was never part of the Statement.
8. **STATEMENT BINDS SUCCESSORS AND RUNS WITH THE LAND.** This Statement is binding on and inures to the benefit of the parties, their successors, and assigns. The term of this Statement constitutes covenants running with the land comprising the Property and is binding on the City.
9. **Acceptance.** The City of Big Spring as the owner of the parcel hereby accepts this statement.

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

Approved as to Form and Legality:

CITY OF BIG SPRING, TEXAS

City Attorney

By: _____
Robert H. Moore, III
Mayor

Attest:

Tami Davis, City Secretary

State of Texas §
County of Howard §

This instrument was acknowledged before me on the ____ day of _____, 20_,
by Robert H. Moore, III, Mayor, on behalf of said City of Big Spring

By: _____

Notary Public, State of Texas

After Recording Return to:
City Secretary
City of Big Spring
310 Nolan Street
Big Spring, Texas
79720