



CITY COUNCIL REGULAR AGENDA

Tuesday, September 24, 2024

Notice is hereby given that the City Council of the City of Big Spring, Texas will meet in Regular Session on Tuesday, September 24, 2024, 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.

- | | | |
|--|-------------|-------|
| 5. Open Public Hearings | | Moore |
| 6. PUBLIC HEARING - Consideration and Possible Action
Concerning Abatement of Public Nuisance, at 2606
CHANUTE, BIG SPRING, TEXAS 79720 – LEGAL
DESCRIPTION: LOT 25, BLOCK 2, CAPEHART
SUBDIVISION, BIG SPRING, HOWARD COUNTY, TEXAS –
OWNER: MAX F. MOORE & M. KAY MOORE | 7-52 | Hagen |
| 7. PUBLIC HEARING - Consideration and Possible Action
Concerning Abatement of Public Nuisance, at 1101 N
GOLIAD, BIG SPRING, TEXAS 79720 – LEGAL
DESCRIPTION: SE/4 OF SECTION 42, BLOCK 32,
TOWNSHIP 1 NORTH, TRACT 8, WILLIAM B CURRIE
SUBDIVISION, BIG SPRING, HOWARD COUNTY, TEXAS –
OWNER: CARLOS P. GARCIA & VALERIE GARCIA | 53-86 | Hagen |
| 8. PUBLIC HEARING - Consideration and Possible Action
Concerning Abatement of Public Nuisance, at 605
JOHNSON, BIG SPRING, TEXAS 79720 – LEGAL
DESCRIPTION: N/2 OF LOT 10 & S/2 OF LOT 11, BLOCK
47, ORIGINAL TOWN SUBDIVISION, BIG SPRING,
HOWARD COUNTY, TEXAS – OWNER: JOSE FRANCISCO
MARTINEZ & IRELA NOHEMI MARTINEZ | 87-
121 | Hagen |
| 9. PUBLIC HEARING - Consideration and Possible Action
Concerning Abatement of Public Nuisance, at 705
WYOMING, BIG SPRING, TEXAS 79720 – LEGAL
DESCRIPTION: LOT 9, BLOCK 3, BANKS SUBDIVISION,
BIG SPRING, HOWARD COUNTY, TEXAS – OWNER: THE
ESTATE OF DOROTHY GREEN | 122-
159 | Hagen |
| 10. PUBLIC HEARING - Consideration and Possible Action
Concerning Abatement of Public Nuisance, at 102
LOCKHART, BIG SPRING, TEXAS 79720 – LEGAL
DESCRIPTION: LOT 5, BLOCK 6, LAKEVIEW
SUBDIVISION, BIG SPRING, HOWARD COUNTY, TEXAS –
OWNER: GARY RAWLS | 160-
190 | Hagen |
| 11. PUBLIC HEARING - Consideration and Possible Action
Concerning Abatement of Public Nuisance, at 1406
LEXINGTON, BIG SPRING, TEXAS 79720 – LEGAL | 191-
225 | Hagen |

DESCRIPTION: LOT 8 LESS S/25' & LOT 9, BLOCK 2,
SUNSET PLACE ANNEX SUBDIVISION, BIG SPRING,
HOWARD COUNTY, TEXAS – OWNER: ANDREA LEEANN
HILARIO

12. Close Public Hearings

Moore

City Manager's Report

13. City Manager's report on the following items:

Darden

- Update - Large Item Pickup, District 3

Consent Items

- | | | |
|--|-------------|-------------|
| 14. Approval of the City Council Minutes of the Special Meeting of September 9, 2024 and of the Regular Meeting of September 10, 2024. | 226-
238 | Davis |
| 15. Acknowledge Receipt of the Big Spring Economic Development Corporation Board of Director's Minutes for the Regular Meeting of August 20, 2024 | 239-
240 | Mark Willis |
| 16. Acknowledge Receipt of the Planning & Zoning Commission Minutes for the Regular Meeting of April 16, 2024 | 241-
242 | Bowles |
| 17. Final Reading of an Ordinance Ratifying the Property Tax Increase Reflected in the Fiscal Year 2024-2025 Budget that Will Require Raising More Revenue from Property Taxes than in the Prior Fiscal Year 2023-2024 Budget | 243-
244 | Smith |
| 18. Final Reading of an Ordinance Authorizing Z24-02 and Amending the Big Spring Zoning Ordinance by Rezoning Approximately 2 Acres Out of 2201 Old Bankhead Highway, Section 32, Block 33, City of Big Spring, Howard County, Texas from General Residential to Heavy Commercial; Providing for 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 | 245-
246 | Bowles |

Other Business

- | | | |
|---|-------------|------|
| 19. Final Reading of an Ordinance Approving and Adopting an Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2024 and Ending September 30, 2025; Providing for Severability; and Providing an Effective | 247-
250 | Smth |
|---|-------------|------|

Date

- | | | |
|---|-------------|-------|
| 20. Final Reading of an Ordinance Fixing and Levying Municipal Ad Valorem Taxes for Said City for the Year 2024 ; Directing the Assessment and Collection Thereof; Providing for Severability; and Establishing an Effective Date
"I Move that the Property Tax Rate be Increased by the Adoption of a Tax Rate of \$0.671465 per \$100 Taxable Assessed Valuation, Which is Effectively a 5.57% Increase in the Tax Rate." | 251-
254 | Smith |
|---|-------------|-------|

Vouchers

- | | | |
|---------------------------|---------------|--------|
| 21. Vouchers for 08/29/24 | \$ 336,692.60 | Yanez |
| 22. Vouchers for 09/12/24 | \$ 953,162.12 | Hughes |
| Vouchers for 09/20/24 | \$ 596,645.80 | |

Bids

- | | | |
|--|-----|--------|
| 23. Consideration and Possible Action on Awarding a Bid for Downtown Janitorial Services and Authorizing the City Manager or His Designee to Execute any Necessary Documents | 255 | Medina |
|--|-----|--------|

New Business

- | | | |
|---|-------------|---------------|
| 24. Consideration and Possible Action Accepting a Donation from the Dora Roberts Rehabilitation Center | 256 | Holt/Williams |
| 25. Consideration and Possible Action to Accept a Donation from Surge Energy to the Big Spring Police Department | 257 | Williams |
| 26. Consideration and Possible Action Authorizing an Event Funding Request from CVB for Howard College Basketball Classic | 258-
260 | Medina |
| 27. Consideration and Possible Action Regarding the Purchase of a Public Utility Easement for Drainage at 3909 Dixon Street, Lots 13 and 14, Block 1, Suburban Heights Addition, Big Spring, Howard County, Texas, and Authorizing the City Manager or His Designee to Execute any Necessary Documents. | 261 | Bowles |
| 28. First Reading of an Ordinance Amending Chapter 40 of the Big Spring City Code Entitled "Parks, Recreation And Cultural Affairs," Article VII "Comanche Trail Golf Course," Section 40-234 Entitled "Golf Course Fees," by Adjusting Golf Course | 262-
266 | Bowles |

Fees and Section 40-235 Entitled "Tournaments" by Adjusting Tournament Fees; 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.

Council Input

29. Input Moore

Executive Session

30. ADJOURN into Executive Session in Matters Covered by Section 551.074, Texas Government Code, "Personnel Matters; Closed Meeting" to Deliberate the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline or Dismissal of the following: Moore
 City Attorney
 City Manager
 Municipal Judge
31. 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 when Deliberation in an Open Meeting Would Have a Detrimental Effect on the Position of the Governmental Body in Negotiations with a Third Person. Moore
32. ADJOURN into Executive Session in Accordance with the Purposes Permitted by the Open Meetings Act, Section 551.071, Texas Government Code, "Consultation with Attorney; Closed Meeting," and the Texas Disciplinary Rules of Professional Conduct, to Provide Legal Advice and Counsel with Respect to Potential Litigation. Moore
33. Reconvene into Open Session and Take Any Necessary Action Regarding the Executive Sessions Moore
34. 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, September 20, 2024 at 4:30 p.m.** in accordance with Title 5, Texas Government Code and Chapter 551.

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


Tami L. Davis, City Secretary

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

2606 CHANUTE

Code Enforcement Officer: Malissa Garcia

Exhibit A-1

STATE OF TEXAS

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COUNTY OF HOWARD

**AFFIDAVIT OF MALISSA GARCIA
CONCERNING 2606 CHANUTE**

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

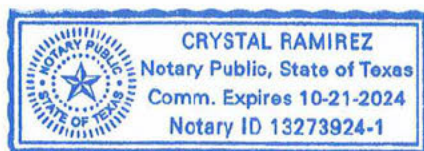
“My name is **Malissa Garcia**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

“I am a Code Enforcement Officer for the City of Big Spring, Texas. In the course of my duties, I inspect properties for compliance with Texas state law and the ordinances of the City of Big Spring. I am an employee of the City of Big Spring and am familiar with the manner in which its records are created and maintained by virtue of my duties and responsibilities. Attached are pages of records relating to the Code Compliance Case for **2606 CHANUTE**, Big Spring, Texas. These are exact duplicates of original records. The records were made at or near the time of each act, event, or finding set forth. The records were made by, or from information transmitted by, persons with knowledge of the matters set forth. The records were kept in the course of regularly conducted business activity. It is the regular practice of the business activity to make the records.”

SIGNED on the 19 day of September, 2024.

M. Garcia
AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of September, 2024 by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit A-2

Property Details

Account		
Property ID:	277974	Geographic ID: B2600008300
Type:	Real	Zoning:
Property Use:		Condo:
Location		
Situs Address:	2606 CHANUTE	
Map ID:		Mapsco:
Legal Description:	LT 25 BK 2 CAPEHART IRR 101 BLK/TRACT 2 0.204 ACRES	
Abstract/Subdivision:		
Neighborhood:	CPHT	
Owner ?		
Owner ID:	25763	
Name:	MOORE MAX F ET UX	
Agent:		
Mailing Address:	2008 BIRDWELL BIG SPRING , TX 79720	
% Ownership:	100.00%	
Exemptions:	For privacy reasons not all exemptions are shown online.	

Property Values

Improvement Homesite Value:	\$58,714 (+)
Improvement Non-Homesite Value:	\$0 (+)
Land Homesite Value:	\$2,222 (+)
Land Non-Homesite Value:	\$0 (+)
Agricultural Market Valuation:	\$0 (+)
Market Value:	\$60,936 (=)
Agricultural Value Loss: ?	\$0 (-)
Appraised Value:	\$60,936 (=)
HS Cap Loss/Circuit Breaker: ?	\$0 (-)
Assessed Value:	\$60,936
Ag Use Value:	\$0

Information provided for research purposes only. Legal descriptions and acreage amounts are for Appraisal District use only and should be verified prior to

Property Taxing Jurisdiction

Owner: MOORE MAX F ET UX **%Ownership:** 100.00%

Entity	Description	Tax Rate	Market Value	Taxable Value	Estimated Tax	Freeze Ceiling
01H	HOWARD COUNTY	0.238916	\$60,936	\$60,936	\$145.59	
02B	CITY OF BIG SPRING	0.673163	\$60,936	\$60,936	\$410.20	
03B	BIG SPRING ISD	0.930900	\$60,936	\$60,936	\$567.25	
052	HOWARD COLLEGE	0.168395	\$60,936	\$60,936	\$102.61	

Total Tax Rate: 2.011374

Estimated Taxes With Exemptions: \$1,225.65

Estimated Taxes Without Exemptions: \$1,225.65

STATE OF TEXAS

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COUNTY OF HOWARD

CERTIFICATION
2606 CHANUTE CASE NOTES

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

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

Making this record was a regular practice of that activity.

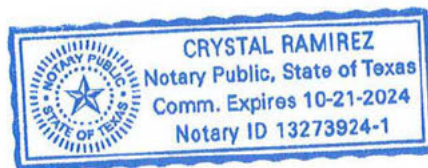
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout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

SIGNED on the 19 day of September, 2024.

M. Garcia
AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of September, 2024

by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit A-3



CASE NOTES

Report Run On: Wednesday, 04
September 2024 09:08

Case # 24-00000882
Site Address: 2606 CHANUTE
Case Description: structure is burnt

Parcel # : 277974

Note Type	Note Code	Text	Created By	Begin Date	End Date
GENERAL		Spoke with nick and decided we will get folder together to send to legal.	Malissa Garcia	09/04/24	
SITE VISIT		reinspected and spoke with a guy name [REDACTED] and he is looking to buy the property and remodeling. he will keep me posted on this property.	Malissa Garcia	09/03/24	
CORRECTIVE ACTION		there is a burnt structure that needs to be repaired or demolished. Deadline for compliance (7) seven days from the date of mailing.	Malissa Garcia	06/06/24	
SITE VISIT		structure is burnt and windows are busted out	Malissa Garcia	06/05/24	

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION OF
PHOTOGRAPHS BY MALISSA GARCIA**

“With regard to the photographs in **Exhibits A-4** I am familiar with and recognize the scene depicted in the photographs. On June 5, 2024 and September 3, 2024, I inspected the property described as:

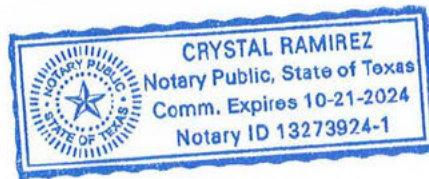
LOT 25, BLOCK 2, CAPEHART SUBDIVISION Big Spring, Howard County,
Texas, also known as **2606 CHANUTE**, Big Spring, Texas.

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

SIGNED on the 19 day of September, 2024.

M Garcia
AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of September 2024
by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit A-4



June 5, 2024 10:02 AM





June 5, 2024 10:02 AM



June 5, 2024 10:02 AM



June 5, 2024 10:02 AM



2606

June 5, 2024 10:02 AM



June 5, 2024 10:03 AM

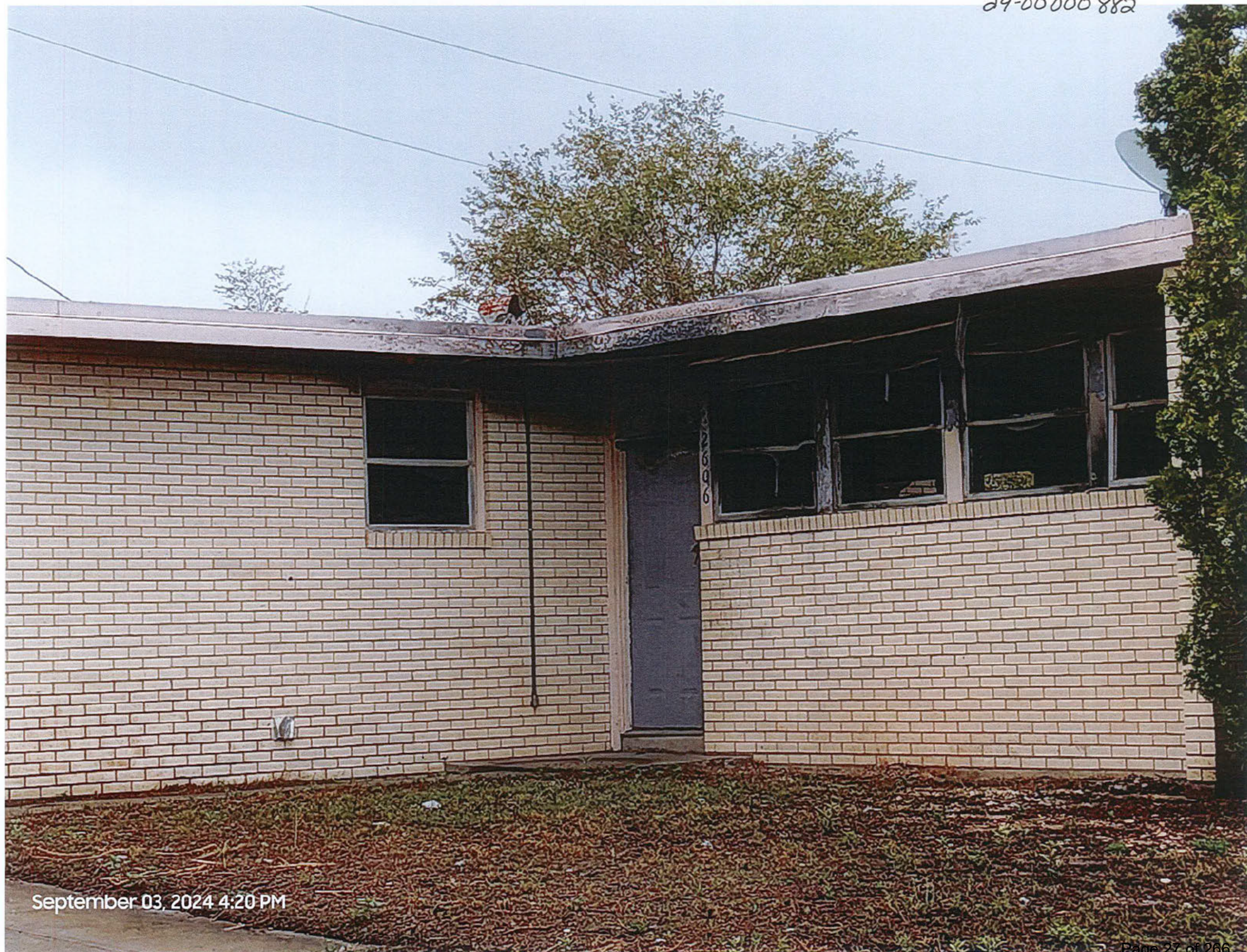


June 5, 2024 10:03 AM

24-00000 882



September 03, 2024 4:20 PM



September 03, 2024 4:20 PM

Exhibit A-5



INCIDENT

Incident Number 240118-131116-BSFD	Incident Date 01/18/2024	NFIRS Number 0000235	Incident Type (11) - Building fire	
FDID KW601	Station Station 5	Shift B-Shift	District	
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 (11) - Extinguishment by fire service personnel				

AID

Aid Given/Received
(N) - None

LOCATION

Location Type (1) - Street address			
Address 2606 Chanute, Big Spring, Texas, 79720			
Cross Street, USNG, or Directions	Latitude	Longitude	Census Tract
Detector Alerted Occupant			
Property Use (419) - 1 or 2 family dwelling	Mixed Use		

TIMES

PSAP Received	Dispatch Notified Time	Alarm Time 18:32:00, 01/18/2024
Arrival Time 18:38:00, 01/18/2024	Water on Fire Time	At Patient Time
Loss Stop Time	Controlled Time	Last Unit Cleared Time 19:55:00, 01/18/2024

TIMES

Total On Scene Time
1 hrs 17 mins 0 sec

Total Incident Time
1 hrs 23 mins 0 sec

COUNTS

Counts Include Aid Received?
No

Suppression:

Apparatus Personnel
3 7

EMS:

Apparatus Personnel
1 2

Other:

Apparatus Personnel
1 1

LOSS

Property:

Estimated Property Losses
\$60000

Estimated Property Value
\$

Content:

Estimated Content Losses
\$20000

Estimated Content Value
\$

PERSON/OWNER

Owner:

Name	Business Name	Phone
		
Insurance Company	Total Insurance Amount	
		
Address		
		

Person:

Name	Business Name	Phone
		
Address		
		

AUTHORIZATION

Report Writer:

Name	Employee Number	Assignment	Authorization Date
WILLIAMS, JACE	1341		

Officer in Charge:

Name	Employee Number	Assignment	Authorization Date
WILLIAMS, JACE	1341		

Quality Control:

Name	Authorization Date
	

INCIDENT NARRATIVE

E5, E2, L1 M5 and Bat 1 responded to 2606 Chanute for a structure fire. E5 arrived on scene to a single story structure with flames rolling out the windows on the West side of the structure beside the front door. E5 pulled 150' of 1.5" line and knocked down the fire from the outside. E5 attempted to make entry with an ax about that time tenant showed up and came running up with a key. Used the key to open the front door and make entry into the structure to extinguish the fire. Tenant expressed concern for animals inside the structure. The fire was contained to the room of origin and was quickly extinguished. Crews began to look for animals but took a little while to find them due to the heavy smoke throughout the structure. Vent fan set up at the front door and windows opened throughout the house to help ventilate. Found all animals deceased. Tenant was notified. Oncor and Atmos both notified and came to turn off power and gas. Crews were released except Bat 1 and E5 for fire investigation. Bat 1 concluded that Fire Marshall needed to be contacted and he responded to scene. At this time he released E5.

Tenant: Micheal Peterson

4328162714

Owner: Max Moore

Created By: WILLIAMS, JACE

Unit Reports

BATTALION 1

Use	Responding From	Priority
(0) - Other		

Response Delays

Dispatch Time 18:32:00, 01/18/2024	Enroute Time 18:32:00, 01/18/2024	Arrival Time 18:38:00, 01/18/2024
---------------------------------------	--------------------------------------	--------------------------------------

At Patient Time	Clear Time 19:55:00, 01/18/2024	In District Time
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Actions Taken:

Personnel
CHRIS GLENN

ENGINE 5

Use	Responding From	Priority
(1) - Suppression		

Response Delays

Dispatch Time 18:32:00, 01/18/2024	Enroute Time 18:32:00, 01/18/2024	Arrival Time 18:38:00, 01/18/2024
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At Patient Time	Clear Time 19:55:00, 01/18/2024	In District Time
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Actions Taken:

Personnel
Shane M. Evans, Chad Pederson, JACE WILLIAMS

ENGINE 2

Use (1) - Suppression	Responding From	Priority
Response Delays		
Dispatch Time 18:32:00, 01/18/2024	Enroute Time 18:32:00, 01/18/2024	Arrival Time 18:38:00, 01/18/2024
At Patient Time	Clear Time 19:55:00, 01/18/2024	In District Time
Actions Taken:		
Personnel		
Tye Newman, James Phelps		

MEDIC 5

Use (2) - EMS	Responding From	Priority
Response Delays		
Dispatch Time 18:32:00, 01/18/2024	Enroute Time 18:32:00, 01/18/2024	Arrival Time 18:38:00, 01/18/2024
At Patient Time	Clear Time 19:55:00, 01/18/2024	In District Time
Actions Taken:		
Personnel		
Jake Kirkpatrick, Dylan Neuman		

LADDER 1

Use (1) - Suppression	Responding From	Priority
Response Delays		
Dispatch Time 18:32:00, 01/18/2024	Enroute Time 18:32:00, 01/18/2024	Arrival Time 18:38:00, 01/18/2024
At Patient Time	Clear Time 19:55:00, 01/18/2024	In District Time
Actions Taken:		
Personnel		
Jeffery Wilkins, Jeff White		

**Fire Module**

SITE INFO

Alarms	Acres Burned	Resident Units In Bldg 1	Buildings Involved
Hydrant Identifier	Estimated Water Usage		

IGNITION

Area of Origin
(20) - Function areas, other

Heat Source
(UU) - Undetermined

Item First Ignited
(UU) - Undetermined

Fire Confined to Item?

Type of Material First Ignited

Cause of Ignition
(5) - Cause under investigation

Factors Contributing to Ignition 1
(NN) - None

Human Factors Contributing to Ignition
(N) - None

Est. Age of Person Involved

Gender of Person Involved

STRUCTURE

Structure Type
(1) - Enclosed building

Stories Above Grade 1	Stories Below Grade 0	Building Status (2) - In normal use	
Length 30 ft	Width 45 ft	Total Square Feet 1350 sq ft	Story of Fire Origin 1

Fire Spread
(2) - Confined to room 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
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PROTECTIVE SYSTEMS

Presence of Detector
(1) - Present

Detector Type
(1) - Smoke

Power Supply
(1) - Battery only

Detector Operations
(2) - Detector operated



PROTECTIVE SYSTEMS

Effectiveness (/Failure Reason)

(3) - There were no occupants

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

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**CERTIFICATION
NOTICE SENT BY MALISSA GARCIA**

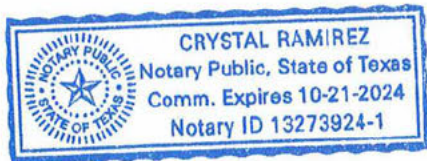
“The document in **Exhibit A-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

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

SIGNED on the 19 day of September, 2024.

M Garcia
AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of September, 2024
by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit A-6



City of Big Spring Code Compliance

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

NOTICE OF VIOLATION

Re: 2606 CHANUTE BIG SPRING, TX 00000

Legal Description: LT 25 BK 2 CAPEHART IRR 101 BLK/TRACT 2 0.204 ACRES

Date 06/06/2024

Case No: 24-00000882

MOORE MAX F ET UX
2008 BIRDWELL
BIG SPRING, TX 79720

Dear MOORE MAX F ET UX

The City of Big Spring has determined that the following section of the **2021 property Maintenance Code of Big Spring** has been violated, constituting a nuisance:

Violation:

SUBSTANDARD STRUCTURE

Description of Violation:



City of Big Spring Code Compliance

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

NOTICE OF VIOLATION

Re: 2606 CHANUTE BIG SPRING, TX 00000

Legal Description: LT 25 BK 2 CAPEHART IRR 101 BLK/TRACT 2 0.204 ACRES

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 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.

Corrective Action:

there is a burnt structure that needs to be repaired or demolished. Deadline for compliance (7) seven days from the date of mailing. For further information about this notice, please contact the following person:

Issued by:

Malissa Garcia

Code Compliance

432.264.2506

mgarcia@mybigspring.com

Phone

Email Address

If this matter has been taken care of please notify this office at (432)264-2504

It is the sincere hope of the City that you will cooperate with us in helping to make Big Spring an attractive, healthful place in which to live.

Sincerely,

Malissa Garcia - Code Compliance



Code Compliance

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

**NOTICE OF VIOLATION
AND NOTICE OF HEARING**

Sent via: Certified Mail; Return Receipt Requested

September 13, 2024

Max F. Moore & M. Kay Moore
2606 Chanute Drive
Big Spring, Texas 79720

Max F. Moore & M. Kay Moore
2008 Birdwell Lane
Big Spring, Texas 79720

Max Faburn Moore & M. Kay Moore
2705 Rebecca Drive
Big Spring, Texas 79720

Re: 2606 CHANUTE, BIG SPRING, TEXAS 79720
LEGAL DESCRIPTION: LOT 25, BLOCK 2, CAPEHART SUBDIVISION,
Howard County

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

VIOLATION	DESCRIPTION OF VIOLATION
111.1.5 HAZARDOUS STRUCTURE OR PREMISES. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as follows shall be considered to be hazardous: 3. Any building, structure, or portion thereof that is dangerous.	The building had fire damage that has not been repaired. The roof is in disrepair and has fire damage that is believed to have made the structure dangerous and unsafe for its use and occupancy. The structure is neglected,

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. 8. Any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety. 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 condition that is likely to cause sickness or disease. 10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health. 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.	damaged, dilapidated, unsecured, and abandoned so as to constitute an attractive nuisance. The structure is dilapidated so as to be unfit for human habitation. 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: 1. Structural members have deterioration or distress	The structural members appear to have deteriorated. The roof appears to admit rain and has signs of deterioration. Unsafe condition.

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. 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.	
304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.	The roof has defects that admit rain and is not sound and not tight.
304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight	The structure has broken windows.

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:

REPAIR OR DEMOLISH AND REMOVE

MAIN STRUCTURE.

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

Issued by

Malissa Garcia

Name

Code Enforcement Officer

Title

+1 (432) 264-2506

Phone

mgarcia@mybigspring.com

E-mail

The City's goal is voluntary compliance.

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

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

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

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

The City Council will serve as the Hearing Board for your case. The hearing is scheduled for **5:30 PM, September 24, 2024** at the City Council Chambers located at **307 E 4th St., Big Spring, Texas 79720**. You are encouraged to attend this hearing to demonstrate the scope of work that may be required to comply with the Building Codes and the time it will take to reasonably perform the work.

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

SECTION A-1.10. Rights of Parties

- (a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.
- (b) Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this State.

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

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

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

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

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

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

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

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

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

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

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

Sincerely,



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

9589 0710 5270 1749 6551 52

U.S. Postal ServiceTM
CERTIFIED MAIL[®] RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com[®].

OFFICIAL USE

Certified Mail Fee		9/13/2024 Postmark Here 2606 CHANUTE Final Notice
\$		
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	Max F. Moore & M. Kay Moore	
Street and Apt. No., or PO Box No.	2606 Chanute Dr.	
City, State, ZIP+4 [®]	Big Spring, TX 79720	
PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions		

9589 0710 5270 1749 6551 69

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☐ Adult Signature Required \$		
☐ Adult Signature Restricted Delivery \$		
Postage		
\$		
Total Postage and Fees		
\$		
Sent To	Max F. Moore & M. Kay Moore	
Street and Apt. No., or PO Box No.	2008 Birdwell Lane	
City, State, ZIP+4 [®]	Big Spring, TX 79720	
PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions		

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☐ Return Receipt (hardcopy) \$		
☐ Return Receipt (electronic) \$		
☐ Certified Mail Restricted Delivery \$		
☐ Adult Signature Required \$		
☐ Adult Signature Restricted Delivery \$		
Postage		
\$		
Total Postage and Fees		
\$		
Sent To	Max Faburn Moore & M. Kay Moore	
Street and Apt. No., or PO Box No.	2705 Rebecca Dr.	
City, State, ZIP+4 [®]	Big Spring, TX 79720	
PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions		

Tracking Number:

Remove X

9589071052701749655152

Copy Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item arrived at our USPS facility in EL PASO TX DISTRIBUTION CENTER on September 19, 2024 at 1:39 pm. The item is currently in transit to the destination.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Moving Through Network

Arrived at USPS Regional Facility

EL PASO TX DISTRIBUTION CENTER
September 19, 2024, 1:39 pm

Reminder to Schedule Redelivery of your item

September 19, 2024

See All Tracking History

Feedback

[What Do USPS Tracking Statuses Mean?](https://faq.usps.com/s/article/Where-is-my-package) (<https://faq.usps.com/s/article/Where-is-my-package>)

Text & Email Updates



USPS Tracking Plus®



Product Information



See Less ^

Tracking Number:

Remove X

9589071052701749655169

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

We were unable to deliver your package at 2:01 pm on September 14, 2024 in BIG SPRING, TX 79720 because the business was closed. We will redeliver on the next business day. No action needed.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivery Attempt

Redelivery Scheduled for Next Business Day

BIG SPRING, TX 79720

September 14, 2024, 2:01 pm

Arrived at Post Office

BIG SPRING, TX 79720

September 14, 2024, 8:47 am

[What Do USPS Tracking Statuses Mean?](https://faq.usps.com/s/article/Where-is-my-package) (<https://faq.usps.com/s/article/Where-is-my-package>)

See More ∨

Tracking Number:

Remove X

9589071052701749655176

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item has been delivered to an agent and left with an individual at the address at 1:35 pm on September 18, 2024 in BIG SPRING, TX 79720.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered to Agent
Delivered to Agent, Left with Individual
BIG SPRING, TX 79720
September 18, 2024, 1:35 pm

See All Tracking History

What Do USPS Tracking Statuses Mean? (<https://faq.usps.com/s/article/Where-is-my-package>)

See More 

Track Another Package

Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

FAQs

STATE OF TEXAS

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COUNTY OF HOWARD

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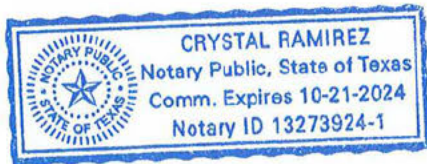
**CERTIFICATION
OF POSTING OF PUBLIC HEARING**

“The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for September 24, 2024, attached as **Exhibit A-7**, was posted on or near the front door of each dwelling unit listed in the attached notice on September 12, 2024.”

SIGNED on the 19 day of September, 2024.

M. Garcia
AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of September, 2024
by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit A-7



Code Enforcement

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

NOTICE OF PUBLIC HEARING CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD WILL HOLD A PUBLIC HEARING ON **SEPTEMBER 24TH, 2024, 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:

2606 CHANUTE, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LOT 25, BLOCK 2, CAPEHART SUBDIVISION, BIG SPRING, HOWARD COUNTY, TEXAS – OWNER: MAX F. MOORE & M. KAY MOORE

1101 N GOLIAD, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: SE/4 OF SECTION 42, BLOCK 32, TOWNSHIP 1 NORTH, TRACT 8, WILLIAM B CURRIE SUBDIVISION, BIG SPRING, HOWARD COUNTY, TEXAS – OWNER: CARLOS P. GARCIA & VALERIE GARCIA

605 JOHNSON, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: N/2 OF LOT 10 & S/2 OF LOT 11, BLOCK 47, ORIGINAL TOWN SUBDIVISION, BIG SPRING, HOWARD COUNTY, TEXAS – OWNER: JOSE FRANCISCO MARTINEZ & IRELA NOHEMI MARTINEZ

705 WYOMING, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LOT 9, BLOCK 3, BANKS SUBDIVISION, BIG SPRING, HOWARD COUNTY, TEXAS – OWNER: DOROTHY GREEN

102 LOCKHART, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LOT 5, BLOCK 6, LAKEVIEW SUBDIVISION, BIG SPRING, HOWARD COUNTY, TEXAS – OWNER: GARY RAWLS

1406 LEXINGTON, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LOT 8 LESS S/25' & LOT 9, BLOCK 2, SUNSET PLACE ANNEX SUBDIVISION, BIG SPRING, HOWARD COUNTY, TEXAS – OWNER: ANDREA LEEANN HILARIO

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



1101 N GOLIAD

Code Compliance Official: Shannon Fant

Exhibit B-1

STATE OF TEXAS

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COUNTY OF HOWARD

**AFFIDAVIT OF SHANNON FANT
CONCERNING 1101 N GOLIAD**

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

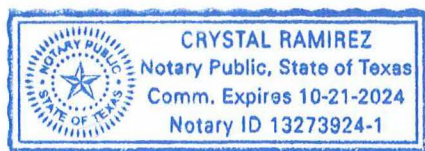
“My name is **Shannon Fant**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

“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 **1101 N GOLIAD**, Big Spring, Texas. These are exact duplicates of original records. The records were made at or near the time of each act, event, or finding set forth. The records were made by, or from information transmitted by, persons with knowledge of the matters set forth. The records were kept in the course of regularly conducted business activity. It is the regular practice of the business activity to make the records.”

SIGNED on the 19 day of September, 2024.

Shannon Fant
AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of September, 2024 by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit B-2

Property Details

Account		
Property ID:	294165	Geographic ID: 51442005100
Type:	Real	Zoning:
Property Use:		Condo:
Location		
Situs Address:	1101 N GOLIAD	
Map ID:		Mapsco:
Legal Description:	SE/4 OF SC 42 BK 32 1N TR 8 WILLIAM B CURRIE 50X127 110 BLK/TRACT 32 1N 0.146 ACRES ACQ 11102014	
Abstract/Subdivision:		
Neighborhood:	NTSD	
Owner ?		
Owner ID:	419082	
Name:	GARCIA CARLOS P GARCIA VALERIE	
Agent:		
Mailing Address:	7211 N SERVICE RD BIG SPRING, TX 79720	
% Ownership:	100.00%	
Exemptions:	For privacy reasons not all exemptions are shown online.	

Property Values

Improvement Homesite Value:	\$78,328 (+)
Improvement Non-Homesite Value:	\$0 (+)
Land Homesite Value:	\$1,590 (+)
Land Non-Homesite Value:	\$0 (+)
Agricultural Market Valuation:	\$0 (+)
Market Value:	\$79,918 (=)

Agricultural Value Loss: ?	\$0 (-)
Appraised Value:	\$79,918 (=)
HS Cap Loss/Circuit Breaker: ?	\$0 (-)
Assessed Value:	\$79,918
Ag Use Value:	\$0

VALUES DISPLAYED ARE 2024 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: GARCIA CARLOS P GARCIA VALERIE **%Ownership:** 100.00%

Entity	Description	Tax Rate	Market Value	Taxable Value	Estimated Tax	Freeze Ceiling
01H	HOWARD COUNTY	0.238916	\$79,918	\$79,918	\$190.94	
02B	CITY OF BIG SPRING	0.673163	\$79,918	\$79,918	\$537.98	
03B	BIG SPRING ISD	0.930900	\$79,918	\$79,918	\$743.96	
052	HOWARD COLLEGE	0.168395	\$79,918	\$79,918	\$134.58	

Total Tax Rate: 2.011374

Estimated Taxes With Exemptions: \$1,607.46

Estimated Taxes Without Exemptions: \$1,607.46

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
1101 N GOLIAD CASE NOTES**

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

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

Making this record was a regular practice of that activity.

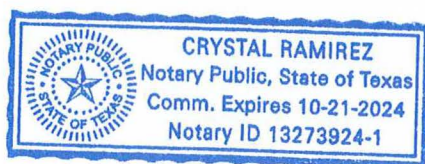
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout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

SIGNED on the 19 day of September, 2024.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of September, 2024

by the above referenced Affiant.



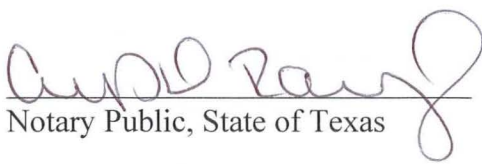

Notary Public, State of Texas

Exhibit B-3



CASE NOTES

Page 1 of 1

Report Run On: Monday, 19 August
2024 15:07

Case # 24-00001312

Parcel # : 294165

Site Address: 1101 N GOLIAD

Case Description: SS LOCATED IN THE BACKYARD

Note Type	Note Code	Text	Created By	Begin Date	End Date
SITE VISIT		REINSPECTED THE PROPERTY FOUND THE SUBSTANDARD STRUCTURE IN THE BACKYARD TO STILL NOT BE COMPLIANT, NO RESPONSE FROM THE PROPERTY OWNER AFTER NOV WAS SENT OUT, TOOK PICTURES WILL PROCEED GETTING FOLDER READY FOR LEGAL WHEN I RETURN TO THE OFFICE.	Shannon Fant	08/19/24	
CORRECTIVE ACTION		THE STRUCTURE ON THIS PROPERTY DOES NOT MEET MINIMUM BUILDING STANDARDS. THE STRUCTURE NEEDS TO BE BROUGHT UP TO BUILDING CODE OR DEMOLISHED /REMOVED. IF YOU DECIDE TO DEMOLISH STRUCTURE YOU MUST PULL A DEMO PERMIT LOCATED AT 217 E. 3RD STREET BIG SPRING TEXAS 79720. DEADLINE FOR COMPLIANCE IS SEVEN DAYS FROM THE DATE OF MAILING.	Shannon Fant	08/06/24	
SITE VISIT		INSPECTED THE PROPERTY ON AUGUST 6 2024 FOUND THAT THE PROPERTY HAS A SUBSTANDARD STRUCTURE THAT IS NOT UP TO CODE AND POSES A DANGER FOR THE COMMUNITY, I PROCEEDED WITH PICTURES AND NOW I WILL SEND AN NOV TO THE PROPERTY OWNERS AND WORK THE CASE ACCORDINGLY.	Shannon Fant	08/06/24	

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION OF
PHOTOGRAPHS BY SHANNON FANT**

“With regard to the photographs in **Exhibits B-4** I am familiar with and recognize the scene depicted in the photographs. On August 6, 2024 and August 19, 2024, I inspected the property described as:

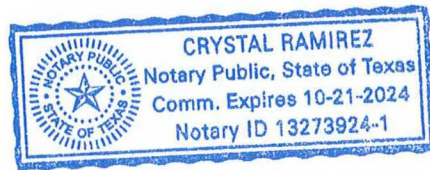
SE/4 OF SECTION 42, BLOCK 32, TOWNSHIP 1 NORTH, TRACT 8,
WILLIAM B CURRIE SUBDIVISION Big Spring, Howard County, Texas, also
known as **1101 N GOLIAD**, Big Spring, Texas.

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

SIGNED on the 19 day of September, 2024.

Shannon Fant
AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of September, 2024
by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

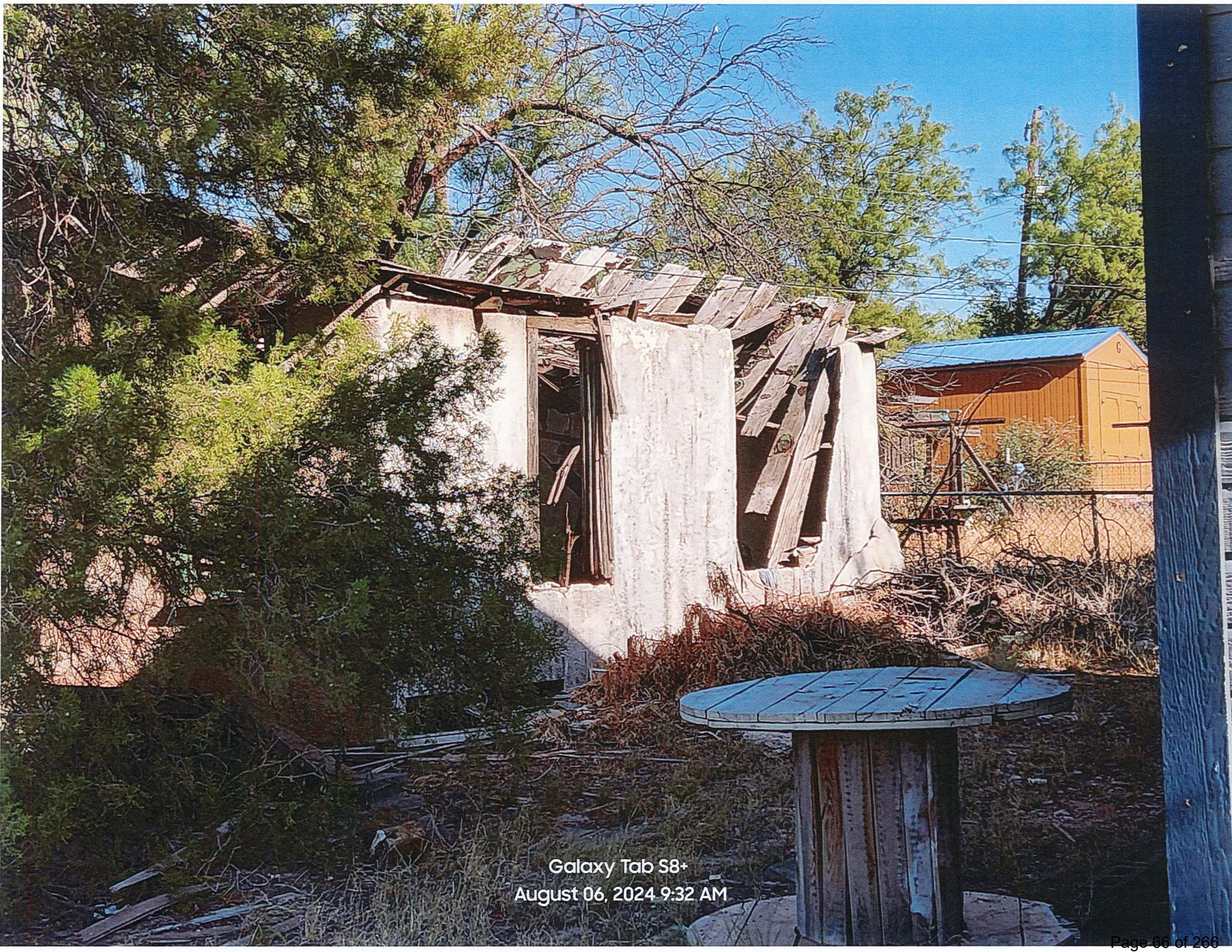
Exhibit B-4



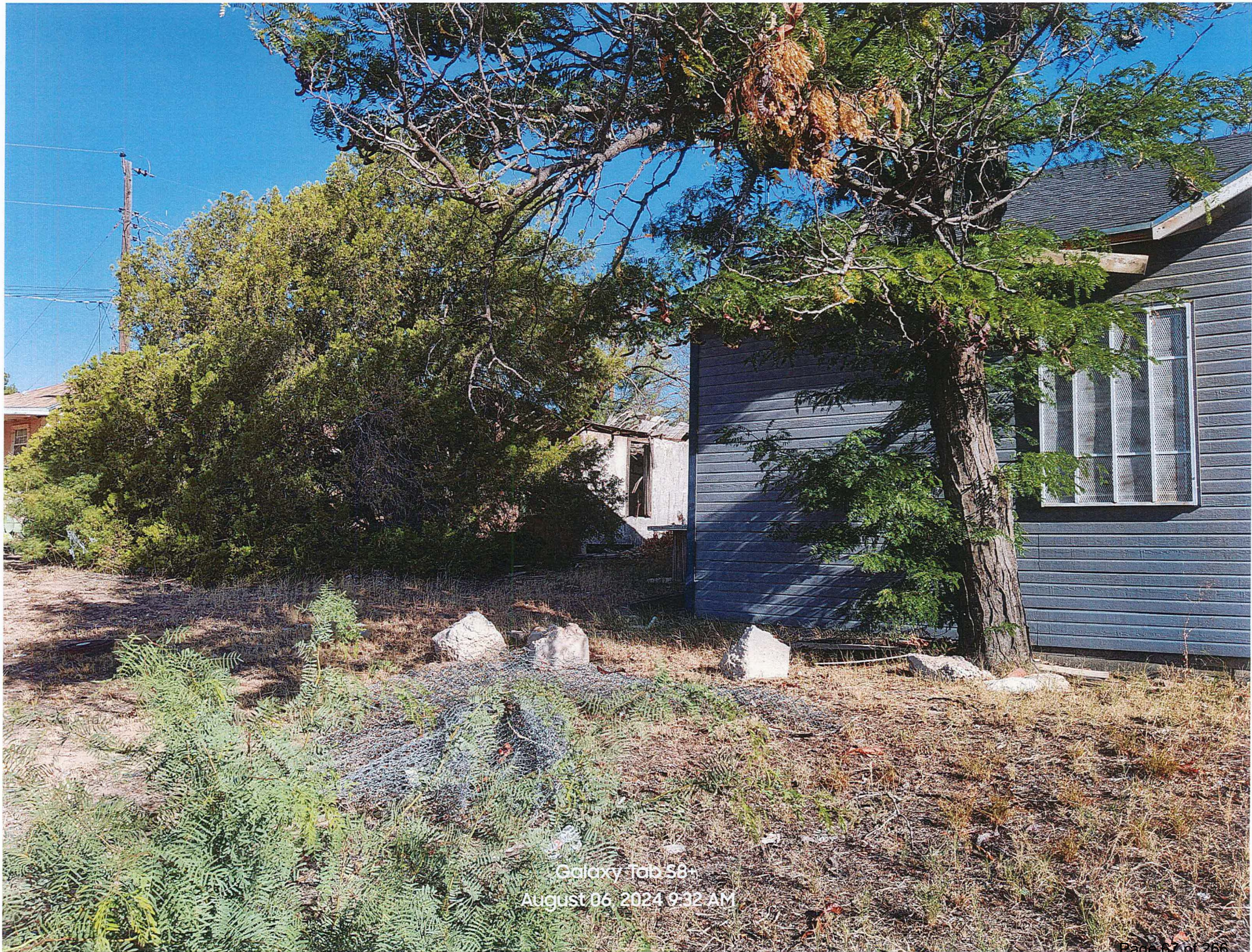
Galaxy Tab S8+
August 06, 2024 9:31 AM



Galaxy Tab S8
August 06, 2024 9:32 AM



Galaxy Tab S8+
August 06, 2024 9:32 AM



Galaxy Tab S8
August 06, 2024 9:32 AM



Galaxy Tab S8+
August 19, 2024 10:15 AM



Galaxy Tab S8+
August 19, 2024 10:15 AM

STATE OF TEXAS

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COUNTY OF HOWARD

**CERTIFICATION
NOTICE SENT BY SHANNON FANT**

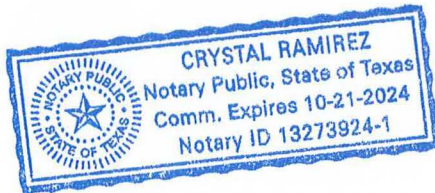
“The document in **Exhibit B-5** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

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

SIGNED on the 19 day of September, 2024.

Shant
AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of September, 2024
by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit B-5



City of Big Spring Code Compliance

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

NOTICE OF VIOLATION

Re: 1101 N GOLIAD BIG SPRING, TX 79720

Legal Description: SE/4 OF SC 42 BK 32 1N TR 8 WILLIAM B CURRIE 50X127 110 BLK/TRACT 32 1N 0.146 ACRES
ACQ 11102014

Date 08/06/2024

Case No: 24-00001312

GARCIA CARLOS P GARCIA
VALERIE
7211 N SERVICE RD
BIG SPRING, TX 79720

Dear GARCIA CARLOS P GARCIA VALERIE

The City of Big Spring has determined that the following section of the **2021 property Maintenance Code of Big Spring** has been violated, constituting a nuisance:

Violation:

SUBSTANDARD STRUCTURE

Description of Violation:



City of Big Spring Code Compliance

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

NOTICE OF VIOLATION

Re: 1101 N GOLIAD BIG SPRING, TX 79720

**Legal Description: SE/4 OF SC 42 BK 32 1N TR 8 WILLIAM B CURRIE 50X127 110 BLK/TRACT 32 1N 0.146 ACRES
ACQ 11102014**

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 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.

Corrective Action:

THE STRUCTURE ON THIS PROPERTY DOES NOT MEET MINIMUM BUILDING STANDARDS. THE STRUCTURE NEEDS TO BE BROUGHT UP TO BUILDING CODE OR DEMOLISHED /REMOVED. IF YOU DECIDE TO DEMOLISH STRUCTURE YOU MUST PULL A DEMO PERMIT LOCATED AT 217 E. 3RD STREET BIG SPRING TEXAS 79720.

DEADLINE FOR COMPLIANCE IS SEVEN DAYS FROM THE DATE OF MAILING.

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

Issued by:

Shannon Fant

Code Compliance

432.264.2508

sfant@mybigspring.com

Phone

Email Address

If this matter has been taken care of please notify this office at (432)264-2504

It is the sincere hope of the City that you will cooperate with us in helping to make Big Spring an attractive, healthful place in which to live.

Sincerely,

Printed 08/06/2024

City of Big Spring * 217 East 3rd St. * Big Spring, Tx 79720 * Phone (432)264-2504 * Fax (432)264-7024

Page 2



City of Big Spring Code Compliance

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

NOTICE OF VIOLATION

Re: 1101 N GOLIAD BIG SPRING, TX 79720

Legal Description: SE/4 OF SC 42 BK 32 1N TR 8 WILLIAM B CURRIE 50X127 110 BLK/TRACT 32 1N 0.146 ACRES
ACQ 11102014

Shannon Fant - Code Compliance



Code Compliance

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

**NOTICE OF VIOLATION
AND NOTICE OF HEARING**

Sent via: Certified Mail; Return Receipt Requested

September 13, 2024

Carlos P. Garcia & Valerie Garcia
7211 N Service Road
Big Spring, Texas 79720

Carlos P. Garcia & Valerie Garcia
1101 N. Goliad Street
Big Spring, Texas 79720

Re: 1101 N GOLIAD, BIG SPRING, TEXAS 79720

**LEGAL DESCRIPTION: SE/4 OF SECTION 42, BLOCK 32, TOWNSHIP 1
NORTH, TRACT 8, WILLIAM B CURRIE SUBDIVISION, Howard County**

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

VIOLATION	DESCRIPTION OF VIOLATION
111.1.5 HAZARDOUS STRUCTURE OR PREMISES. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as follows shall be considered to be hazardous: 3. Any building, structure, or portion thereof that is dangerous. 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	The structure is dilapidated and damaged. The roof of the structure has caved in. The building is neglected, damaged, dilapidated and unsecured so as to constitute an attractive nuisance. Hazardous condition.

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.	
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. 3. Structures or components thereof have deterioration or distress that appears to reduce their load-carrying capacity. 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 structure's roof has caved in and affected the building's load-carrying capacity and deteriorated the structural members of the building. 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:

REPAIR OR DEMOLISH AND REMOVE

REAR STRUCTURE.

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

Issued by

Shannon Fant

Name

Code Compliance Official

Title

+1 (432) 264-2508

Phone

sfant@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, September 24, 2024 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.

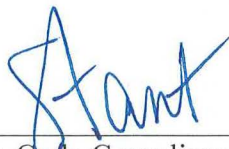
NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless,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



Shannon Fant, Code Compliance Official
City of Big Spring, Texas

9589 0710 5270 1749 6550 84

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 \$ _____	9/13/2024 Postmark Here 1101 N. GOLIAD Final Notice
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>Carlos P. Garcia & Valerie Garcia</u> Street and Apt. No., or PO Box No. <u>7211 N. Service Rd.</u> City, State, ZIP+4® <u>Big Spring, TX 79720</u>	
PS Form 3800, January 2023 FSN 7532-02-000-9047 See Reverse for Instructions	

9589 0710 5270 1749 6550 91

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 \$ _____	9/13/2024 Postmark Here 1101 N GOLIAD Final Notice
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>Carlos P. Garcia & Valerie Garcia</u> Street and Apt. No., or PO Box No. <u>1101 N. Goliad St.</u> City, State, ZIP+4® <u>Big Spring, TX 79720</u>	
PS Form 3800, January 2023 PSN 7532-02-000-9047 See Reverse for Instructions	

Tracking Number:

Remove X

9589071052701749655084

Copy Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was picked up at the post office at 2:50 pm on September 16, 2024 in BIG SPRING, TX 79720.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Delivered, Individual Picked Up at Post Office

BIG SPRING, TX 79720

September 16, 2024, 2:50 pm

See All Tracking History

[What Do USPS Tracking Statuses Mean?](https://faq.usps.com/s/article/Where-is-my-package) (<https://faq.usps.com/s/article/Where-is-my-package>)

Text & Email Updates ▼

USPS Tracking Plus® ▼

Product Information ▼

See Less ^

Feedback

Tracking Number:

Remove X

9589071052701749655091

Copy Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item arrived at our USPS facility in EL PASO TX DISTRIBUTION CENTER on September 19, 2024 at 1:39 pm. The item is currently in transit to the destination.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Moving Through Network

Arrived at USPS Regional Facility

EL PASO TX DISTRIBUTION CENTER
September 19, 2024, 1:39 pm

Vacant

BIG SPRING, TX 79720
September 16, 2024, 3:55 pm

[See All Tracking History](#)

[What Do USPS Tracking Statuses Mean?](https://faq.usps.com/s/article/Where-is-my-package) (<https://faq.usps.com/s/article/Where-is-my-package>)

[See More](#) ▼

Track Another Package

Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

[FAQs](#)

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
OF POSTING OF PUBLIC HEARING**

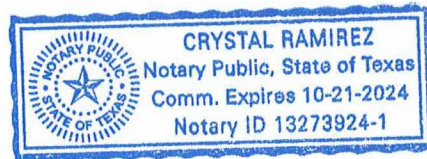
“The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for September 24, 2024, attached as **Exhibit B-6**, was posted on or near the front door of each dwelling unit listed in the attached notice on September 12, 2024.”

SIGNED on the 19 day of September, 2024.

Stant

AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of September, 2024
by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit B-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 **SEPTEMBER 24TH, 2024, 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:

2606 CHANUTE, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LOT 25, BLOCK 2, CAPEHART SUBDIVISION, BIG SPRING, HOWARD COUNTY, TEXAS – OWNER: MAX F. MOORE & M. KAY MOORE

1101 N GOLIAD, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: SE/4 OF SECTION 42, BLOCK 32, TOWNSHIP 1 NORTH, TRACT 8, WILLIAM B CURRIE SUBDIVISION, BIG SPRING, HOWARD COUNTY, TEXAS – OWNER: CARLOS P. GARCIA & VALERIE GARCIA

605 JOHNSON, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: N/2 OF LOT 10 & S/2 OF LOT 11, BLOCK 47, ORIGINAL TOWN SUBDIVISION, BIG SPRING, HOWARD COUNTY, TEXAS – OWNER: JOSE FRANCISCO MARTINEZ & IRELA NOHEMI MARTINEZ

705 WYOMING, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LOT 9, BLOCK 3, BANKS SUBDIVISION, BIG SPRING, HOWARD COUNTY, TEXAS – OWNER: DOROTHY GREEN

102 LOCKHART, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LOT 5, BLOCK 6, LAKEVIEW SUBDIVISION, BIG SPRING, HOWARD COUNTY, TEXAS – OWNER: GARY RAWLS

1406 LEXINGTON, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LOT 8 LESS S/25' & LOT 9, BLOCK 2, SUNSET PLACE ANNEX SUBDIVISION, BIG SPRING, HOWARD COUNTY, TEXAS – OWNER: ANDREA LEEANN HILARIO

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



September 12, 2024 11:16 AM

605 JOHNSON

Code Compliance Official: Shannon Fant

Exhibit C-1

STATE OF TEXAS

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COUNTY OF HOWARD

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**AFFIDAVIT OF SHANNON FANT
CONCERNING 605 JOHNSON**

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

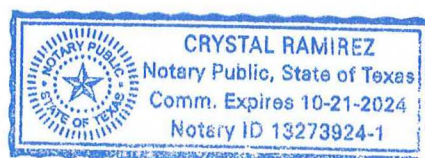
“My name is **Shannon Fant**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

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

SIGNED on the 19 day of September, 2024.

Shannon Fant
AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of September 2024 by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit C-2

Property Details

Account		
Property ID:	284860	Geographic ID: B4830042200
Type:	Real	Zoning:
Property Use:		Condo:
Location		
Situs Address:	605 JOHNSON	
Map ID:		Mapsco:
Legal Description:	N/2 OF LT 10 & S/2 OF LT 11 BK 47 ORIGINAL TOWN 50X140 0803 ACQ03202018 BLK/TRACT 47 0.161 ACRES	
Abstract/Subdivision:		
Neighborhood:	OGTN	
Owner ?		
Owner ID:	403589	
Name:	MARTINEZ JOSE FRANCISCO MARTINEZ IRELA NOHEMI	
Agent:		
Mailing Address:	1433 HILL TOP BIG SPRING, TX 79720	
% Ownership:	100.00%	
Exemptions:	For privacy reasons not all exemptions are shown online.	

Property Values

Improvement Homesite Value:	\$8,868 (+)
Improvement Non-Homesite Value:	\$0 (+)
Land Homesite Value:	\$5,260 (+)
Land Non-Homesite Value:	\$0 (+)
Agricultural Market Valuation:	\$0 (+)
Market Value:	\$14,128 (=)

Agricultural Value Loss: ?	\$0 (-)
Appraised Value:	\$14,128 (=)
HS Cap Loss/Circuit Breaker: ?	\$0 (-)
Assessed Value:	\$14,128
Ag Use Value:	\$0
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: MARTINEZ JOSE FRANCISCO MARTINEZ IRELA NOHEMI **%Ownership:** 100.00%

Entity	Description	Tax Rate	Market Value	Taxable Value	Estimated Tax	Freeze Ceiling
01H	HOWARD COUNTY	0.238916	\$14,128	\$14,128	\$33.75	
02B	CITY OF BIG SPRING	0.673163	\$14,128	\$14,128	\$95.10	
03B	BIG SPRING ISD	0.930900	\$14,128	\$14,128	\$131.52	
052	HOWARD COLLEGE	0.168395	\$14,128	\$14,128	\$23.79	

Total Tax Rate: 2.011374

Estimated Taxes With Exemptions: \$284.16

Estimated Taxes Without Exemptions: \$284.16

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
605 JOHNSON 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.

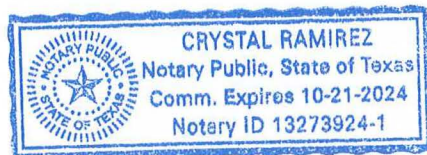
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout 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 19th day of September, 2024.

Stant
AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of September, 2024

by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit C-3



CASE NOTES

Page 1 of 1

Report Run On: Monday, 19 August
2024 09:12

Case # 24-00001119

Parcel # : 284860

Site Address: 605 JOHNSON

Case Description: SS STRUCTURE IN THE BACKYARD

Note Type	Note Code	Text	Created By	Begin Date	End Date
SITE VISIT		REINSPECTED THE PROPERTY FOUND THE STRUCTURE IN THE BCKYARD TO STILL BE WITHOUT A ROOF TOOK PICTURES WILL PROCEED	Shannon Fant	08/16/24	
SITE VISIT		INSPECTED PROPERTY FOUND STRUCTURE IN BACKYARD ON FENCELINE AT BACK ALLEY TO BE MISSING CHUNKS OF THE ROOF SHOWS SIGNS OF SEVERE WEATHER DAMGE WILL SEND OUT NOV TO PROPERTY OWNER	Shannon Fant	07/09/24	

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION OF
PHOTOGRAPHS BY SHANNON FANT**

“With regard to the photographs in **Exhibits C-4** I am familiar with and recognize the scene depicted in the photographs. On July 9, 2024 and August 16, 2024, I inspected the property described as:

N/2 OF LOT 10 & S/2 OF LOT 11, BLOCK 47, ORIGINAL TOWN
SUBDIVISION Big Spring, Howard County, Texas, also known as **605**
JOHNSON, Big Spring, Texas.

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

SIGNED on the 19 day of September, 2024.

Shannon Fant

AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of September 2024
by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit C-4



Galaxy Tab S8+
July 09, 2024 1:25 PM



Galaxy Tab S8+
July 09, 2024 1:25 PM



Galaxy Tab S8+
July 09, 2024 1:32 PM



Galaxy Tab S8+
July 09, 2024 1:32 PM



Galaxy Tab S8
July 09, 2024 1:32 PM



Galaxy Tab S8+
July 09, 2024 1:32 PM



Galaxy Tab S8+
August 16, 2024 2:32 PM



Galaxy Tab S8+
August 16, 2024 2:32 PM

STATE OF TEXAS

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COUNTY OF HOWARD

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CERTIFICATION
NOTICE SENT BY SHANNON FANT

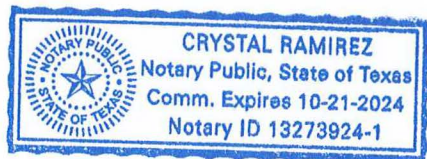
“The document in **Exhibit C-5** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

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

SIGNED on the 19th day of September, 2024.

Shannon Fant
AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of September, 2024
by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit C-5



City of Big Spring Code Compliance

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

NOTICE OF VIOLATION

Re: 605 JOHNSON BIG SPRING, TX 79720

Legal Description: N/2 OF LT 10 & S/2 OF LT 11 BK 47 ORIGINAL TOWN 50X140 0803 ACQ03202018 BLK/TRACT
47 0.161 ACRES

Date 07/15/2024

Case No: 24-00001119

MARTINEZ JOSE FRANCISCO
MARTINEZ IRELA NOHEMI
1433 HILL TOP
BIG SPRING, TX 79720

Dear MARTINEZ JOSE FRANCISCO MARTINEZ IRELA NOHEMI

The City of Big Spring has determined that the following section of the **2021 property Maintenance Code of Big Spring** has been violated, constituting a nuisance:

Violation:

SUBSTANDARD STRUCTURE

Description of Violation:

**DEADLINE FOR COMPLIANCE IS SEVEN DAYS FROM THE DATE OF
MAILING 07.15.2024**



City of Big Spring Code Compliance

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

NOTICE OF VIOLATION

Re: 605 JOHNSON BIG SPRING, TX 79720

Legal Description: N/2 OF LT 10 & S/2 OF LT 11 BK 47 ORIGINAL TOWN 50X140 0803 ACQ03202018 BLK/TRACT 47 0.161 ACRES

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.

Corrective Action:

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

Issued by:

Shannon Fant

432.264.2508

Phone

Code Compliance

sfant@mybigspring.com

Email Address

If this matter has been taken care of please notify this office at (432)264-2504

It is the sincere hope of the City that you will cooperate with us in helping to make Big Spring an attractive, healthful place in which to live.

Sincerely,

Shannon Fant - Code Compliance



Code Compliance

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

**NOTICE OF VIOLATION
AND NOTICE OF HEARING**

Sent via: Certified Mail; Return Receipt Requested

September 13, 2024

Jose Francisco Martinez & Irela Nohemi Martinez
1433 Hilltop Road
Big Spring, Texas 79720

Jose Francisco Martinez & Irela Nohemi Martinez
605 Johnson Street
Big Spring, Texas 79720

**Re: 605 JOHNSON, BIG SPRING, TEXAS 79720
LEGAL DESCRIPTION: N/2 OF LOT 10 & S/2 OF LOT 11, BLOCK 47,
ORIGINAL TOWN SUBDIVISION, Howard County**

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

VIOLATION	DESCRIPTION OF VIOLATION
111.1.5 HAZARDOUS STRUCTURE OR PREMISES. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as follows shall be considered to be hazardous: 3. Any building, structure, or portion thereof that is dangerous. 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	The structure is missing chunks of the rood and shows signs of severe weather damage. The building is neglected, damaged, dilapidated and unsecured so as to constitute an attractive nuisance. Hazardous condition.

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.	
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. 3. Structures or components thereof have deterioration or distress that appears to reduce their load-carrying capacity. 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.	Weather damage and missing roofing components appear to have affected the building's load-carrying capacity and deteriorated the structural members of the building. 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:

REPAIR OR DEMOLISH AND REMOVE

REAR STRUCTURE.

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

Issued by

<u>Shannon Fant</u>	<u>Code Compliance Official</u>
<i>Name</i>	<i>Title</i>
<u>+1 (432) 264-2508</u>	<u>sfant@mybigspring.com</u>
<i>Phone</i>	<i>E-mail</i>

The City’s goal is voluntary compliance.

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

YOU ARE HEREBY NOTIFIED THAT THE CITY HAS INITIATED PROCEEDINGS TO ABATE THE ABOVE-DESCRIBED NUISANCES AT YOUR EXPENSE. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City’s request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City’s costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

The City Council will serve as the Hearing Board for your case. The hearing is scheduled for **5:30 PM, September 24, 2024** at the City Council Chambers located at **307 E 4th St., Big Spring, Texas 79720**. You are encouraged to attend this hearing to demonstrate the scope of work that may be required to comply with the Building Codes and the time it will take to reasonably perform the work.

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

SECTION A-1.10. Rights of Parties

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Shannon Fant', written over a horizontal line.

Shannon Fant, Code Compliance Official
City of Big Spring, Texas

9589 0710 5270 1749 6551 07

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 \$

9/13/2024

Postmark
 Here

605 JOHNSON

Final Notice

Postage
 \$
 Total Postage and Fees
 \$

Sent To Jose Francisco Martinez & Irela Nohemi
 Street and Apt. No., or PO Box No. 1433 Hilltop Rd.
Martinez...
 City, State, ZIP+4® Big Spring, TX 79720

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

9589 0710 5270 1749 6551 14

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 \$

9/13/2024

Postmark
 Here

605 JOHNSON

Final Notice

Postage
 \$
 Total Postage and Fees
 \$

Sent To Jose Francisco Martinez & Irela Nohemi
 Street and Apt. No., or PO Box No. 605 Johnson St.
Martinez...
 City, State, ZIP+4® Big Spring, TX 79720

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

Tracking Number:

Remove X

9589071052701749655107

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was picked up at the post office at 4:44 pm on September 16, 2024 in BIG SPRING, TX 79720.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Delivered, Individual Picked Up at Post Office

BIG SPRING, TX 79720

September 16, 2024, 4:44 pm

See All Tracking History

Feedback

[What Do USPS Tracking Statuses Mean?](https://faq.usps.com/s/article/Where-is-my-package) (<https://faq.usps.com/s/article/Where-is-my-package>)

Text & Email Updates



USPS Tracking Plus®



Product Information



See Less ^

Tracking Number:

Remove X

9589071052701749655114

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item arrived at our USPS facility in EL PASO TX DISTRIBUTION CENTER on September 19, 2024 at 5:29 pm. The item is currently in transit to the destination.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Moving Through Network

Arrived at USPS Regional Facility

EL PASO TX DISTRIBUTION CENTER
September 19, 2024, 5:29 pm

Vacant

BIG SPRING, TX 79720
September 16, 2024, 2:42 pm

[See All Tracking History](#)

[What Do USPS Tracking Statuses Mean?](https://faq.usps.com/s/article/Where-is-my-package) (<https://faq.usps.com/s/article/Where-is-my-package>)

[See More](#) ▼

Track Another Package

Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

[FAQs](#)

STATE OF TEXAS

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COUNTY OF HOWARD

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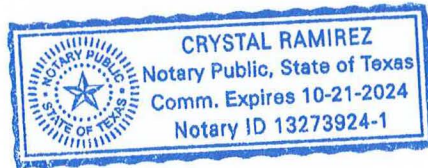
**CERTIFICATION
OF POSTING OF PUBLIC HEARING**

“The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for September 24, 2024, attached as **Exhibit C-6**, was posted on or near the front door of each dwelling unit listed in the attached notice on September 12, 2024.”

SIGNED on the 19th day of September, 2024.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 19th day of September 2024
by the above referenced Affiant.



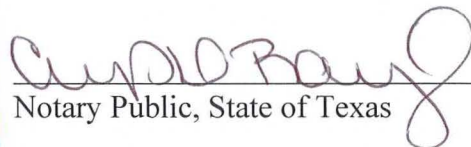

Notary Public, State of Texas

Exhibit C-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 **SEPTEMBER 24TH, 2024, 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:

2606 CHANUTE, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LOT 25, BLOCK 2, CAPEHART SUBDIVISION, BIG SPRING, HOWARD COUNTY, TEXAS – OWNER: MAX F. MOORE & M. KAY MOORE

1101 N GOLIAD, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: SE/4 OF SECTION 42, BLOCK 32, TOWNSHIP 1 NORTH, TRACT 8, WILLIAM B CURRIE SUBDIVISION, BIG SPRING, HOWARD COUNTY, TEXAS – OWNER: CARLOS P. GARCIA & VALERIE GARCIA

605 JOHNSON, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: N/2 OF LOT 10 & S/2 OF LOT 11, BLOCK 47, ORIGINAL TOWN SUBDIVISION, BIG SPRING, HOWARD COUNTY, TEXAS – OWNER: JOSE FRANCISCO MARTINEZ & IRELA NOHEMI MARTINEZ

705 WYOMING, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LOT 9, BLOCK 3, BANKS SUBDIVISION, BIG SPRING, HOWARD COUNTY, TEXAS – OWNER: DOROTHY GREEN

102 LOCKHART, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LOT 5, BLOCK 6, LAKEVIEW SUBDIVISION, BIG SPRING, HOWARD COUNTY, TEXAS – OWNER: GARY RAWLS

1406 LEXINGTON, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LOT 8 LESS S/25' & LOT 9, BLOCK 2, SUNSET PLACE ANNEX SUBDIVISION, BIG SPRING, HOWARD COUNTY, TEXAS – OWNER: ANDREA LEEANN HILARIO

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



705 WYOMING

Code Compliance Official: Ashley Guerra

Exhibit D-1

STATE OF TEXAS

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COUNTY OF HOWARD

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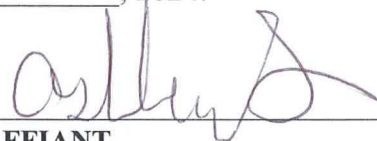
**AFFIDAVIT OF ASHLEY GUERRA
CONCERNING 705 WYOMING**

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:

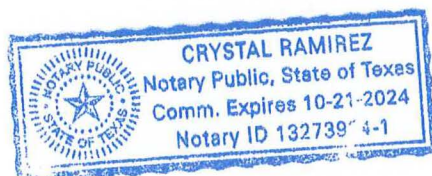
“I am a Code Compliance Official for the City of Big Spring, Texas. In the course of my duties, I inspect properties for compliance with Texas state law and the ordinances of the City of Big Spring. I am an employee of the City of Big Spring and am familiar with the manner in which its records are created and maintained by virtue of my duties and responsibilities. Attached are pages of records relating to the Code Compliance Case for **705 WYOMING**, Big Spring, Texas. These are exact duplicates of original records. The records were made at or near the time of each act, event, or finding set forth. The records were made by, or from information transmitted by, persons with knowledge of the matters set forth. The records were kept in the course of regularly conducted business activity. It is the regular practice of the business activity to make the records.”

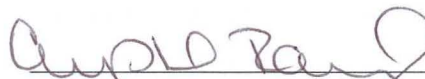
SIGNED on the 19 day of Sep, 2024.



AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of September 2024 by the above referenced Affiant.





Notary Public, State of Texas

Exhibit D-2

Property Details

Account		
Property ID:	276806	Geographic ID: B2190002900
Type:	Real	Zoning:
Property Use:		Condo:
Location		
Situs Address:	705 WYOMING	
Map ID:		Mapscot:
Legal Description:	LT 9 BK 3 BANKS 50X140 148 0.161 ACRES	
Abstract/Subdivision:		
Neighborhood:	NTPK	
Owner 		
Owner ID:	283193	
Name:	GREEN DOROTHY	
Agent:		
Mailing Address:	705 WYOMING BIG SPRING , TX 79720	
% Ownership:	100.00%	
Exemptions:	For privacy reasons not all exemptions are shown online.	

Property Values

Improvement Homesite Value:	\$17,968 (+)
Improvement Non-Homesite Value:	\$0 (+)
Land Homesite Value:	\$877 (+)
Land Non-Homesite Value:	\$0 (+)
Agricultural Market Valuation:	\$0 (+)
Market Value:	\$18,845 (=)

Agricultural Value Loss: ?	\$0 (-)
Appraised Value:	\$18,845 (=)
HS Cap Loss/Circuit Breaker: ?	\$0 (-)
Assessed Value:	\$18,845
Ag Use Value:	\$0

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: GREEN DOROTHY **%Ownership:** 100.00%

Entity	Description	Tax Rate	Market Value	Taxable Value	Estimated Tax	Freeze Ceiling
01H	HOWARD COUNTY	0.238916	\$18,845	\$18,845	\$45.02	
02B	CITY OF BIG SPRING	0.673163	\$18,845	\$18,845	\$126.86	
03B	BIG SPRING ISD	0.930900	\$18,845	\$18,845	\$175.43	
052	HOWARD COLLEGE	0.168395	\$18,845	\$18,845	\$31.73	

Total Tax Rate: 2.011374

Estimated Taxes With Exemptions: \$379.04

Estimated Taxes Without Exemptions: \$379.04

STATE OF TEXAS

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COUNTY OF HOWARD

**CERTIFICATION
705 WYOMING CASE NOTES**

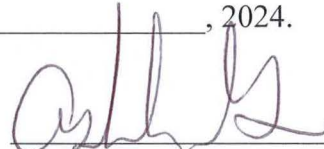
“This record, attached as **Exhibit D-3**, was made at or near the time by – or from information transmitted by a person or persons with the City with knowledge.

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

Making this record was a regular practice of that activity.

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

SIGNED on the 19 day of Sep, 2024.

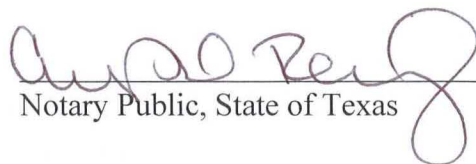


AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of September, 2024

by the above referenced Affiant.





Notary Public, State of Texas

Exhibit D-3



CASE NOTES

Report Run On: Thursday, 05
September 2024 09:29

Case # 24-00001147
Site Address: 705 WYOMING
Case Description: DUBSTANDARD STRUCTURE

Parcel # : 276806

Note Type	Note Code	Text	Created By	Begin Date	End Date
SITE VISIT		WENT BACK OUT TO REINSPECT NO PROGRESS HAS BEEN MADE GOING TO PREPARE TO SEND TO LEGAL	Ashley Guerra	09/04/24	
GENERAL		SENT OUT NOTICE OF VIOLATION ON 7-19-24	Ashley Guerra	07/19/24	
SITE VISIT		WAS IN THE AREA ON 7-16-24 NOTICE A SUBSTANDARD STRUCTURE PORCH IS CAVING IN HOLES IN ROOF THE PROPERTY LOOKS TO BE VACANT	Ashley Guerra	07/16/24	
CORRECTIVE ACTION		PROPERTY NEEDS TO BE BROUGHT UP TO CODE OR BROUGHT DOWN DEADLINE FOR COMPLINCE (7) SEVEN DAYS FROM THE DATE OF MAILING	Ashley Guerra	07/16/24	

STATE OF TEXAS

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§

COUNTY OF HOWARD

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**CERTIFICATION OF
PHOTOGRAPHS BY ASHLEY GUERRA**

“With regard to the photographs in **Exhibits D-4** I am familiar with and recognize the scene depicted in the photographs. On July 16, 2024 and September 4, 2024, I inspected the property described as:

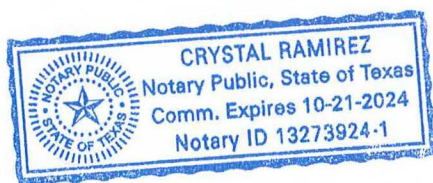
LOT 9, BLOCK 3, BANKS SUBDIVISION Big Spring, Howard County, Texas,
also known as **705 WYOMING**, Big Spring, Texas.

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

SIGNED on the 19 day of Sep, 2024.

Ashley Guerra
AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of September, 2024
by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit D-4

24-00001147



July 16, 2024 9:14 AM

24-00001147



July 16, 2024 9:14 AM

24-00001147



July 16, 2024 9:14 AM

24-00001147



July 16, 2024 9:16 AM

24-00001147



September 04, 2024 10:03 AM

24-00001147



September 04, 2024 10:04 AM

24-00001147



September 04, 2024 10:04 AM

24-00001147



September 04, 2024 10:04 AM

STATE OF TEXAS

§

§

COUNTY OF HOWARD

§

**CERTIFICATION
NOTICE SENT BY ASHLEY GUERRA**

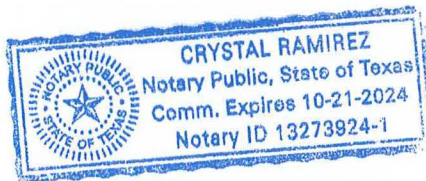
“The document in **Exhibit D-5** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

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

SIGNED on the 19 day of Sep, 2024.

Ashley Guerra
AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of September, 2024
by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit D-5



City of Big Spring Code Compliance

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

NOTICE OF VIOLATION

Re: 705 WYOMING BIG SPRING, TX 00000

Legal Description: LT 9 BK 3 BANKS 50X140 148 0.161 ACRES

Date 09/05/2024

Case No: 24-00001147

GREEN DOROTHY
705 WYOMING
BIG SPRING, TX 79720

Dear GREEN DOROTHY

The City of Big Spring has determined that the following section of the **2021 property Maintenance Code of Big Spring** has been violated, constituting a nuisance:

Violation:

SUBSTANDARD STRUCTURE

Description of Violation:



City of Big Spring Code Compliance

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

NOTICE OF VIOLATION

Re: 705 WYOMING BIG SPRING, TX 00000

Legal Description: LT 9 BK 3 BANKS 50X140 148 0.161 ACRES

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 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.

Corrective Action:

PROPERTY NEEDS TO BE BROUGHT UP TO CODE OR BROUGHT DOWN
DEADLINE FOR COMPLIANCE (7) SEVEN DAYS FROM THE DATE OF MAILING

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

Issued by:

Ashley Guerra

Code Compliance

432-264.2505

aguerra@mybigspring.com

Phone

Email Address

If this matter has been taken care of please notify this office at (432)264-2504

It is the sincere hope of the City that you will cooperate with us in helping to make Big Spring an attractive, healthful place in which to live.

Sincerely,

Ashley Guerra - Code Compliance



Code Compliance

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

**NOTICE OF VIOLATION
AND NOTICE OF HEARING**

Sent via: Certified Mail; Return Receipt Requested

September 13, 2024

The Estate of Dorothy Green
705 Wyoming Street
Big Spring, Texas 79720

The Estate of Dorothy Green
705 Ohio Street
Big Spring, Texas

Forestar (USA) Real Estate Group Inc.
(formerly Lumbermen's Investment
Corporation)
1300 S. Mopac Expressway, FL 3N
Austin, Texas 78746
Attn: Tax Dept

Forestar (USA) Real Estate Group Inc.
(formerly Lumbermen's Investment
Corporation)
10700 Pecan Park Blvd., Ste. 150
Austin, Texas 78750-1416

Corporation Service Company d/b/a CSC-
Lawyers Inco
Registered Agent, Forestar (USA) Real Estate
Group Inc.
(formerly Lumbermen's Investment
Corporation)
211 E. 7th Street Suite 620
Austin, Texas 78701

Re: 705 WYOMING, BIG SPRING, TEXAS 79720
LEGAL DESCRIPTION: LOT 9, BLOCK 3, BANKS SUBDIVISION, Howard
County

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

VIOLATION	DESCRIPTION OF
-----------	----------------

	VIOLATION
111.1.5 HAZARDOUS STRUCTURE OR PREMISES. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as follows shall be considered to be hazardous: 3. Any building, structure, or portion thereof that is dangerous. 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 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.	The structure is in disrepair. The porch appears to be caving in, making the structure dangerous and unsafe for its use and occupancy. There are holes in the roof. The structure is neglected, damaged, dilapidated, unsecured, and abandoned so as to constitute an attractive nuisance. The structure is dilapidated so as to be unfit for human habitation. 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: 1. Structural members 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. 8. Roofing or roofing components that have defects	The structural members appear to have deteriorated. The roof has holes. The roof appears to admit rain and has signs of deterioration. Unsafe condition.

that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and in capable of supporting all nominal loads and resisting all load effects.	
304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.	The roof has defects that admit rain and is not sound and not tight.

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

Corrective Action Sought by Code Compliance

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

**REPAIR OR DEMOLISH AND REMOVE
MAIN STRUCTURE.**

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

Issued by

Ashley Guerra

Name

Code Compliance Official

Title

+1 (432) 264-2505

Phone

aguerra@mybigspring.com

E-mail

The City's goal is voluntary compliance.

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

Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due

notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

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

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

The City Council will serve as the Hearing Board for your case. The hearing is scheduled for **5:30 PM, September 24, 2024** at the City Council Chambers located at **307 E 4th St., Big Spring, Texas 79720**. You are encouraged to attend this hearing to demonstrate the scope of work that may be required to comply with the Building Codes and the time it will take to reasonably perform the work.

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

SECTION A-1.10. Rights of Parties

- (a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.
- (b) Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this State.
- (c) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.
- (d) Rights of Parties. Each party shall have the following rights, among others:
 - 1. To call and examine witnesses on any matter relevant to the issues of the hearing;

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

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

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

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

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

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

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

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

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

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

Sincerely,

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

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

9589 0710 5270 1749 6556 26

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 \$	9/13/2024 Postmark Here 705 WYOMING Final Notice
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>The Estate of Dorothy Green</u>	
Street and Apt. No., or PO Box No. <u>705 Wyoming St.</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

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Certified Mail Fee \$	9/13/2024 Postmark Here 705 WYOMING Final Notice
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>The Estate of Dorothy Green</u>	
Street and Apt. No., or PO Box No. <u>705 Ohio St.</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

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Certified Mail Fee \$	9/13/2024 Postmark Here 705 WYOMING Final Notice
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>Forestar (USA) Real Estate Group Inc.</u>	
Street and Apt. No., or PO Box No. <u>1300 S. Mopac Expressway</u>	
City, State, ZIP+4® <u>Austin, TX 78746</u>	

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

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 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$	9/13/2024 Postmark Here 705 WYOMING Final Notice
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>Forestar (USA) Real Estate Group</u>	
Street and Apt. No., or PO Box No. <u>10700 Pecan Park Blvd.</u>	
City, State, ZIP+4® <u>Austin, TX 78750-1416</u>	

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

9589 0710 5270 1749 6556 64

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 \$	9/13/2024 Postmark Here 705 WYOMING Final Notice
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>Corporation Service Company</u>	
Street and Apt. No., or PO Box No. <u>211 E. 7th St.</u>	
City, State, ZIP+4® <u>Austin, TX 78701</u>	

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

Tracking Number:

Remove X

9589071052701749655626

Copy

Schedule a Redelivery (<https://tools.usps.com/redelivery.htm>)

Latest Update

We attempted to deliver your item at 3:58 pm on September 16, 2024 in BIG SPRING, TX 79720 and a notice was left because an authorized recipient was not available. You may arrange redelivery by using the Schedule a Redelivery feature on this page or may pick up the item at the Post Office indicated on the notice beginning September 17, 2024. If this item is unclaimed by October 1, 2024 then it will be returned to sender.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivery Attempt: Action Needed

Notice Left (No Authorized Recipient Available)

BIG SPRING, TX 79720

September 16, 2024, 3:58 pm

Arrived at Post Office

BIG SPRING, TX 79720

September 14, 2024, 8:46 am

Feedback

[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)

Text & Email Updates



Schedule Redelivery



USPS Tracking Plus®



Product Information



See Less ^

Tracking Number:

Remove X

9589071052701749655633

Copy

Schedule a Redelivery (<https://tools.usps.com/redelivery.htm>)

Latest Update

We attempted to deliver your item at 3:58 pm on September 16, 2024 in BIG SPRING, TX 79720 and a notice was left because an authorized recipient was not available. You may arrange redelivery by using the Schedule a Redelivery feature on this page or may pick up the item at the Post Office indicated on the notice beginning September 17, 2024. If this item is unclaimed by October 1, 2024 then it will be returned to sender.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivery Attempt: Action Needed

Notice Left (No Authorized Recipient Available)

BIG SPRING, TX 79720

September 16, 2024, 3:58 pm

Arrived at Post Office

BIG SPRING, TX 79720

September 14, 2024, 8:47 am

[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)

See More v

Tracking Number:

Remove X

9589071052701749655640

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item departed our USPS facility in AUSTIN TX DISTRIBUTION CENTER on September 18, 2024 at 8:21 am. The item is currently in transit to the destination.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Moving Through Network

Departed USPS Regional Facility

AUSTIN TX DISTRIBUTION CENTER

September 18, 2024, 8:21 am

Arrived at USPS Regional Facility

AUSTIN TX DISTRIBUTION CENTER

September 18, 2024, 6:34 am

See All Tracking History

[What Do USPS Tracking Statuses Mean?](https://faq.usps.com/s/article/Where-is-my-package) (https://faq.usps.com/s/article/Where-is-my-package)

See More ▼

Tracking Number:

Remove X

9589071052701749655657

Copy

Add to Informed Delivery (https://informedelivery.usps.com/)

Latest Update

Your item was delivered to an individual at the address at 10:09 am on September 17, 2024 in AUSTIN, TX 78750.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Delivered, Left with Individual

AUSTIN, TX 78750

September 17, 2024, 10:09 am

[See All Tracking History](#)

[What Do USPS Tracking Statuses Mean?](https://faq.usps.com/s/article/Where-is-my-package) (https://faq.usps.com/s/article/Where-is-my-package)

[See More](#) ▼

Tracking Number:

[Remove](#) ✕

9589071052701749655664

[Copy](#)

[Add to Informed Delivery](https://informedelivery.usps.com/) (https://informedelivery.usps.com/)

Latest Update

Your item was picked up at a postal facility at 10:29 am on September 16, 2024 in AUSTIN, TX 78701.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Delivered, Individual Picked Up at Postal Facility

AUSTIN, TX 78701

September 16, 2024, 10:29 am

[See All Tracking History](#)

[What Do USPS Tracking Statuses Mean?](https://faq.usps.com/s/article/Where-is-my-package) (https://faq.usps.com/s/article/Where-is-my-package)

[See More](#) ▼

Track Another Package

Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

[FAQs](#)

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
OF POSTING OF PUBLIC HEARING**

“The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for September 24, 2024, attached as **Exhibit D-6**, was posted on or near the front door of each dwelling unit listed in the attached notice on September 12, 2024.”

SIGNED on the 19 day of Sep, 2024.

Ashtly G
AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of September 2024
by the above referenced Affiant.

Crystal Ramirez
Notary Public, State of Texas

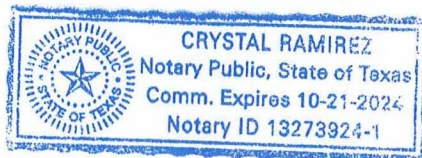


Exhibit D-6



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 **SEPTEMBER 24TH, 2024, 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:

2606 CHANUTE, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LOT 25, BLOCK 2, CAPEHART SUBDIVISION, BIG SPRING, HOWARD COUNTY, TEXAS – OWNER: MAX F. MOORE & M. KAY MOORE

1101 N GOLIAD, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: SE/4 OF SECTION 42, BLOCK 32, TOWNSHIP 1 NORTH, TRACT 8, WILLIAM B CURRIE SUBDIVISION, BIG SPRING, HOWARD COUNTY, TEXAS – OWNER: CARLOS P. GARCIA & VALERIE GARCIA

605 JOHNSON, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: N/2 OF LOT 10 & S/2 OF LOT 11, BLOCK 47, ORIGINAL TOWN SUBDIVISION, BIG SPRING, HOWARD COUNTY, TEXAS – OWNER: JOSE FRANCISCO MARTINEZ & IRELA NOHEMI MARTINEZ

705 WYOMING, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LOT 9, BLOCK 3, BANKS SUBDIVISION, BIG SPRING, HOWARD COUNTY, TEXAS – OWNER: DOROTHY GREEN

102 LOCKHART, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LOT 5, BLOCK 6, LAKEVIEW SUBDIVISION, BIG SPRING, HOWARD COUNTY, TEXAS – OWNER: GARY RAWLS

1406 LEXINGTON, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LOT 8 LESS S/25' & LOT 9, BLOCK 2, SUNSET PLACE ANNEX SUBDIVISION, BIG SPRING, HOWARD COUNTY, TEXAS – OWNER: ANDREA LEEANN HILARIO

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



September 12, 2024 10:33 AM

102 LOCKHART

Code Compliance Official: Ashley Guerra

Exhibit E-1

STATE OF TEXAS

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COUNTY OF HOWARD

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**AFFIDAVIT OF ASHLEY GUERRA
CONCERNING 102 LOCKHART**

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

SIGNED on the 19 day of Sep, 2024.

Ashley Guerra
AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of September, 2024 by the above referenced Affiant.



[Signature]
Notary Public, State of Texas

Exhibit E-2

Property Details

Account		
Property ID:	282766	Geographic ID: B4110005600
Type:	Real	Zoning:
Property Use:		Condo:
Location		
Situs Address:	102 LOCKHART	
Map ID:		Mapsco:
Legal Description:	LT 5 BK 6 LAKEVIEW 50X140 355 BLK/TRACT 331N 0.161 ACRES	
Abstract/Subdivision:		
Neighborhood:	LKVW1	
Owner ?		
Owner ID:	403981	
Name:	RAWLS GARY	
Agent:		
Mailing Address:	8700 N COUNTY RD 37 BIG SPRING, TX 79720	
% Ownership:	100.00%	
Exemptions:	For privacy reasons not all exemptions are shown online.	

Property Values

Improvement Homesite Value:	\$1,573 (+)
Improvement Non-Homesite Value:	\$0 (+)
Land Homesite Value:	\$1,753 (+)
Land Non-Homesite Value:	\$0 (+)
Agricultural Market Valuation:	\$0 (+)
Market Value:	\$3,326 (=)

Agricultural Value Loss: ?	\$0 (-)
Appraised Value:	\$3,326 (=)
HS Cap Loss/Circuit Breaker: ?	\$0 (-)
Assessed Value:	\$3,326
Ag Use Value:	\$0

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: RAWLS GARY **%Ownership:** 100.00%

Entity	Description	Tax Rate	Market Value	Taxable Value	Estimated Tax	Freeze Ceiling
01H	HOWARD COUNTY	0.238916	\$3,326	\$3,326	\$7.95	
02B	CITY OF BIG SPRING	0.673163	\$3,326	\$3,326	\$22.39	
03B	BIG SPRING ISD	0.930900	\$3,326	\$3,326	\$30.96	
052	HOWARD COLLEGE	0.168395	\$3,326	\$3,326	\$5.60	

Total Tax Rate: 2.011374

Estimated Taxes With Exemptions: \$66.90

Estimated Taxes Without Exemptions: \$66.90

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
102 LOCKHART CASE NOTES**

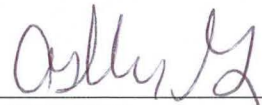
“This record, attached as **Exhibit E-3**, was made at or near the time by – or from information transmitted by a person or persons with the City with knowledge.

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

Making this record was a regular practice of that activity.

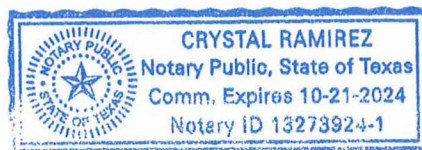
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout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

SIGNED on the 19 day of Sep, 2024.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of September, 2024

by the above referenced Affiant.



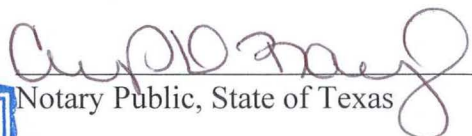

Notary Public, State of Texas

Exhibit E-3



CASE NOTES

Report Run On: Thursday, 05
September 2024 10:33

Case # 24-00000188
Site Address: 102 LOCKHART
Case Description: SUBSTANDARD STRUCTURE

Parcel # : 282766

Note Type	Note Code	Text	Created By	Begin Date	End Date
SITE VISIT		back structure on 9-3-24 still standing and needs to come down going to prepair to send to legal .	Ashley Guerra	09/03/24	
GENERAL		DUE TO OTHER PROPERTYS AND COMPLIANCE I GRANTED HOME OWNER MORE TIME REINSPECTION WILL BE ON 4-1-24	Ashley Guerra	03/21/24	
GENERAL		SENT OUT NOTICE OF VIOLATION ON MARCH 5TH 2024	Ashley Guerra	03/05/24	
GENERAL		TOOK PHOTOS ON MARCH 4 2024	Ashley Guerra	03/04/24	
CORRECTIVE ACTION		THERE IS A SUBSTANDARD BUILDING ON THE PROPERTY IN THE BACK AND NEEDS TO BE BROUGHT DOWN	Ashley Guerra	03/04/24	

STATE OF TEXAS

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COUNTY OF HOWARD

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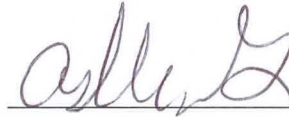
**CERTIFICATION OF
PHOTOGRAPHS BY ASHLEY GUERRA**

“With regard to the photographs in **Exhibits E-4** I am familiar with and recognize the scene depicted in the photographs. On March 4, 2024 and September 3, 2024, I inspected the property described as:

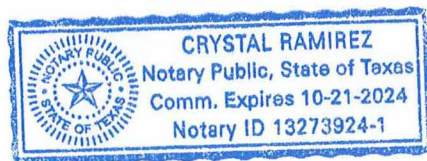
LOT 5, BLOCK 6, LAKEVIEW SUBDIVISION Big Spring, Howard County,
Texas, also known as **102 LOCKHART**, Big Spring, Texas.

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

SIGNED on the 19 day of Sep, 2024.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of September, 2024
by the above referenced Affiant.



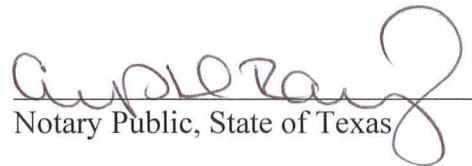

Notary Public, State of Texas

Exhibit E-4





September 03, 2024 11:05 AM



September 03, 2024 11:06 AM

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION
NOTICE SENT BY ASHLEY GUERRA**

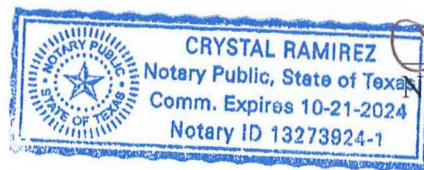
“The document in **Exhibit E-5** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

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

SIGNED on the 19 day of Sep, 2024.

Ashley Guerra
AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of September, 2024
by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit E-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

3-5-24

NOTICE OF VIOLATION

24-00000188

RAWLS GARY
8700 N COUNTY RD 37
BIG SPRING, TX 79720

Subject Property: 102 LOCKHART , BIG SPRING, TX 00000
APN: 282766

Dear RAWLS GARY

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.

THERE IS A SUBSTANDARD BUILDING
ON THE PROPERTY IN THE BACK AND
NEEDS TO BE BROUGHT DOWN

**DEADLINE FOR
COMPLIANCE (7)
SEVEN DAYS
FROM THE DATE
OF MAILING
3-5-24**

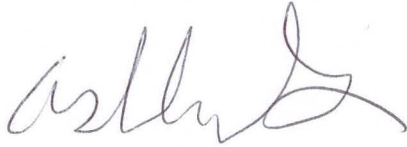
After , an inspection of your property will take place to verify compliance. Should this notice resolve the concern, no further action will be taken. However, please be advised, if a property owner or resident does not comply, further code enforcement action will be required.

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 I

A handwritten signature in dark ink, appearing to read 'Ashley Guerra', written in a cursive style.



Code Compliance

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

**NOTICE OF VIOLATION
AND NOTICE OF HEARING**

Sent via: Certified Mail; Return Receipt Requested

September 13, 2024

Gary Rawls
8700 N. County Road 37
Big Spring, Texas 79720

Gary Rawls
102 Lockhart Street
Big Spring, Texas 79720

Re: 102 LOCKHART, BIG SPRING, TEXAS 79720

LEGAL DESCRIPTION: LOT 5, BLOCK 6, LAKEVIEW SUBDIVISION, Howard County

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

VIOLATION	DESCRIPTION OF VIOLATION
111.1.5 HAZARDOUS STRUCTURE OR PREMISES. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as follows shall be considered to be hazardous: 3. Any building, structure, or portion thereof that is dangerous. 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	The structure has severe weather damage and appears to be caving in, making it dangerous and unsafe for human habitation. The building is neglected, damaged, dilapidated and unsecured so as to constitute an attractive nuisance. Hazardous condition.

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.	
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. 3. Structures or components thereof have deterioration or distress that appears to reduce their load-carrying capacity. 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.	Weather damage appears to have affected the building's load-carrying capacity and deteriorated the structural members of the building. The structural members appear to have deteriorated. Exterior walls are not plumb and free of holes, cracks or breaks and loose or rotting materials. Unsafe condition.

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:

REPAIR OR DEMOLISH AND REMOVE

REAR STRUCTURE.

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

Issued by

Ashley Guerra

Name

Code Compliance Official

Title

+1 (432) 264-2505

Phone

aguerra@mybigspring.com

E-mail

The City's goal is voluntary compliance.

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

YOU ARE HEREBY NOTIFIED THAT THE CITY HAS INITIATED PROCEEDINGS TO ABATE THE ABOVE-DESCRIBED NUISANCES AT YOUR EXPENSE. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

The City Council will serve as the Hearing Board for your case. The hearing is scheduled for **5:30 PM, September 24, 2024** at the City Council Chambers located at **307 E 4th St., Big Spring, Texas 79720**. You are encouraged to attend this hearing to demonstrate the scope of work that may be required to comply with the Building Codes and the time it will take to reasonably perform the work.

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

SECTION A-1.10. Rights of Parties

- (a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.
- (b) Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this State.

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

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

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

9589 0710 5270 1749 6551 38

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 \$	9/13/2024 Postmark Here 102 LOCKHART Final Notice
Postage \$ Total Postage and Fees \$	
Sent To Gary Rawls Street and Apt. No., or PO Box No. 8700 N. County Rd. 37 City, State, ZIP+4® Big Spring, TX 79720	
PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions	

9589 0710 5270 1749 6551 45

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 \$	9/13/2024 Postmark Here 102 LOCKHART Final Notice
Postage \$ Total Postage and Fees \$	
Sent To Gary Rawls Street and Apt. No., or PO Box No. 102 Lockhart St. City, State, ZIP+4® Big Spring, TX 79720	
PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions	

Tracking Number:

Remove X

9589071052701749655138

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

This is a reminder to arrange for redelivery of your item or your item will be returned to sender.

Get More Out of USPS Tracking:

USPS Tracking Plus[®]

Delivery Attempt

Reminder to Schedule Redelivery of your item

September 19, 2024

Notice Left (No Authorized Recipient Available)

BIG SPRING, TX 79720

September 14, 2024, 4:29 pm

See All Tracking History

Feedback

[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)

Text & Email Updates



USPS Tracking Plus[®]



Product Information



See Less ^

Tracking Number:

Remove X

9589071052701749655145

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

We could not access the delivery location to deliver your package at 2:07 pm on September 17, 2024 in BIG SPRING, TX 79720. We will redeliver on the next delivery day. No action needed.

Get More Out of USPS Tracking:

USPS Tracking Plus[®]

Alert

No Access to Delivery Location

BIG SPRING, TX 79720

September 17, 2024, 2:07 pm

Out for Delivery

BIG SPRING, TX 79720

September 17, 2024, 8:21 am

[See All Tracking History](#)

[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)

[See More](#) ▼

Track Another Package

Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

[FAQs](#)

STATE OF TEXAS

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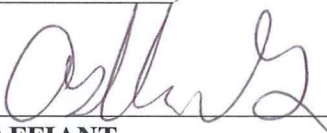
COUNTY OF HOWARD

§

**CERTIFICATION
OF POSTING OF PUBLIC HEARING**

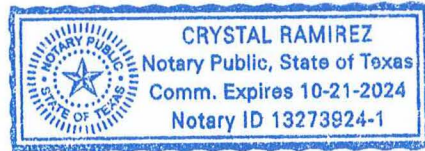
“The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for September 24, 2024, attached as **Exhibit E-6**, was posted on or near the front door of each dwelling unit listed in the attached notice on September 12, 2024.”

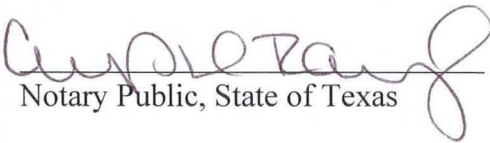
SIGNED on the 19 day of Sep, 2024.



AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of September, 2024
by the above referenced Affiant.





Notary Public, State of Texas

Exhibit E-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 **SEPTEMBER 24TH, 2024, 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:

2606 CHANUTE, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LOT 25, BLOCK 2, CAPEHART SUBDIVISION, BIG SPRING, HOWARD COUNTY, TEXAS – OWNER: MAX F. MOORE & M. KAY MOORE

1101 N GOLIAD, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: SE/4 OF SECTION 42, BLOCK 32, TOWNSHIP 1 NORTH, TRACT 8, WILLIAM B CURRIE SUBDIVISION, BIG SPRING, HOWARD COUNTY, TEXAS – OWNER: CARLOS P. GARCIA & VALERIE GARCIA

605 JOHNSON, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: N/2 OF LOT 10 & S/2 OF LOT 11, BLOCK 47, ORIGINAL TOWN SUBDIVISION, BIG SPRING, HOWARD COUNTY, TEXAS – OWNER: JOSE FRANCISCO MARTINEZ & IRELA NOHEMI MARTINEZ

705 WYOMING, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LOT 9, BLOCK 3, BANKS SUBDIVISION, BIG SPRING, HOWARD COUNTY, TEXAS – OWNER: DOROTHY GREEN

102 LOCKHART, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LOT 5, BLOCK 6, LAKEVIEW SUBDIVISION, BIG SPRING, HOWARD COUNTY, TEXAS – OWNER: GARY RAWLS

1406 LEXINGTON, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LOT 8 LESS S/25' & LOT 9, BLOCK 2, SUNSET PLACE ANNEX SUBDIVISION, BIG SPRING, HOWARD COUNTY, TEXAS – OWNER: ANDREA LEEANN HILARIO

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



1406 LEXINGTON

Code Compliance Official: Shannon Fant

Exhibit F-1

STATE OF TEXAS

§

COUNTY OF HOWARD

§

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**AFFIDAVIT OF SHANNON FANT
CONCERNING 1406 LEXINGTON**

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

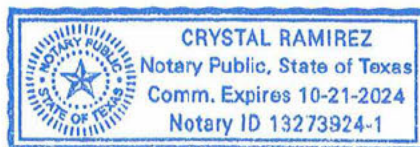
“My name is **Shannon Fant**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

“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 **1406 LEXINGTON**, Big Spring, Texas. These are exact duplicates of original records. The records were made at or near the time of each act, event, or finding set forth. The records were made by, or from information transmitted by, persons with knowledge of the matters set forth. The records were kept in the course of regularly conducted business activity. It is the regular practice of the business activity to make the records.”

SIGNED on the 19 day of September, 2024.

Shannon Fant
AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of September, 2024 by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit F-2

Property Details

Account		
Property ID:	286560	Geographic ID: B5735002000
Type:	Real	Zoning:
Property Use:		Condo:
Location		
Situs Address:	1406 LEXINGTON	
Map ID:		Mapsco:
Legal Description:	LT 8 LS S/25' & LT 9 BK 2 SUNSET PLACE ANNEX 75X155 2005 COMB W/B5735001900 559 560 0.267 ACRES ACQ 06052015	
Abstract/Subdivision:		
Neighborhood:	WASH	
Owner 		
Owner ID:	407555	
Name:	HILARIO ANDREA LEEANN	
Agent:		
Mailing Address:	1406 LEXINGTON AVE BIG SPRING, TX 79720	
% Ownership:	100.0%	
Exemptions:	For privacy reasons not all exemptions are shown online.	

Property Values

Improvement Homesite Value:	\$19,858 (+)
Improvement Non-Homesite Value:	\$0 (+)
Land Homesite Value:	\$6,300 (+)
Land Non-Homesite Value:	\$0 (+)
Agricultural Market Valuation:	\$0 (+)
Market Value:	\$26,158 (=)

Agricultural Value Loss:	\$0 (-)
Appraised Value:	\$26,158 (=)
Homestead Cap Loss:	\$0 (-)
Assessed Value:	\$26,158
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: HILARIO ANDREA LEEANN **%Ownership:** 100.0%

Entity	Description	Tax Rate	Market Value	Taxable Value	Estimated Tax	Freeze Ceiling
01H	HOWARD COUNTY	0.208716	\$26,158	\$26,158	\$54.60	
02B	CITY OF BIG SPRING	0.636039	\$26,158	\$26,158	\$166.38	
03B	BIG SPRING ISD	0.763200	\$26,158	\$26,158	\$199.64	
052	HOWARD COLLEGE	0.154789	\$26,158	\$26,158	\$40.49	
ZZZ	CREDIT	0.000000	\$0	\$0	\$0.00	

Total Tax Rate: 1.762744

Estimated Taxes With Exemptions: \$461.11

Estimated Taxes Without Exemptions: \$461.11

STATE OF TEXAS

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COUNTY OF HOWARD

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CERTIFICATION
1406 LEXINGTON CASE NOTES

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

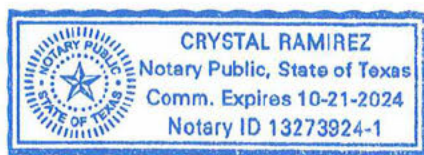
1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout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

SIGNED on the 19 day of September, 2024.

Stant
AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of September, 2024

by the above referenced Affiant.



Angie Ramirez
Notary Public, State of Texas

Exhibit F-3



CASE NOTES

Page 1 of 1

Report Run On: Thursday, 27 June
2024 11:21

Case # 24-00000042
Site Address: 1406 Lexington Ave
Case Description: SUBSTANDARD STRUCTURE ON SIDE OF HOUSE

Parcel # : 286560

Note Type	Note Code	Text	Created By	Begin Date	End Date
SITE VISIT		REINSPECTED STRUCTURE NO PROGRESS HAS BEEN MADE WILL PROCEED	Shannon Fant	04/25/24	
CORRECTIVE ACTION		THE STRUCTURE ON THIS PROPERTY DOES NOT MEET MINIMUM BUILDING STANDARDS. THE STRUCTURE NEEDS TO BE BROUGHT UP TO BUILDING CODE OR DEMOLISHED/REMOVED. DEADLINE FOR COMPLIANCE IS SEVEN (7) DAYS FROM THE DATE OF MAILING 01.31.2024	Shannon Fant	01/31/24	
SITE VISIT		.STANDARD STRUCTURE ON SIDE OF THE HOUSE HAS SEVERE ROOF DAMAGE AND WEATHER DAMAGE	Shannon Fant	01/31/24	

STATE OF TEXAS

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COUNTY OF HOWARD

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**CERTIFICATION OF
PHOTOGRAPHS BY SHANNON FANT**

“With regard to the photographs in **Exhibits F-4** I am familiar with and recognize the scene depicted in the photographs. On January 31, 2024 and April 25, 2024, I inspected the property described as:

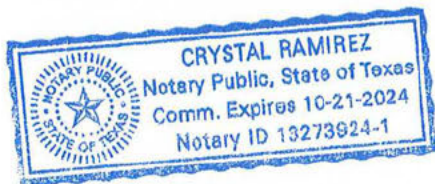
LOT 8 LESS S/25' & LOT 9, BLOCK 2, SUNSET PLACE ANNEX
SUBDIVISION Big Spring, Howard County, Texas, also known as **1406**
LEXINGTON, Big Spring, Texas.

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

SIGNED on the 19 day of September, 2024.

Shannon Fant
AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of September, 2024
by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit F-4



Galaxy Tab S8+
January 31, 2024 11:53 AM



Galaxy Tab S8+
January 31, 2024 11:53 AM



Galaxy Tab S8+
January 31, 2024 11:55 AM



Galaxy Tab S8+
January 31, 2024 11:56 AM



Galaxy Tab S8+
January 31, 2024 11:57 AM



Galaxy Tab S8+
April 25, 2024 1:47 PM



Galaxy Tab S8+
April 25, 2024 1:47 PM



Galaxy Tab S8+
April 25, 2024 1:48 PM



Galaxy Tab S8+
April 25, 2024 1:48 PM

STATE OF TEXAS

§

COUNTY OF HOWARD

§

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**CERTIFICATION
NOTICE SENT BY SHANNON FANT**

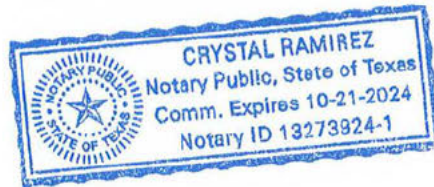
“The document in **Exhibit F-5** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record.”

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

SIGNED on the 19 day of September, 2024.


AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of September, 2024
by the above referenced Affiant.




Notary Public, State of Texas

Exhibit F-5



City of Big Spring, TX

217 East 3rd St.
Big Spring, TX 79720
Phone: 432-264-2504
Fax: 432-264-7024
[https://www.mybigspring.com/
ratkins@mybigspring.com](https://www.mybigspring.com/ratkins@mybigspring.com)

April 25, 2024

1406 LEXINGTON AVE
BIG SPRING, TX 79720

RE: Code Compliance Case No. 24-00000042

HILARIO ANDREA LEEANN,

Location : 1406 LEXINGTON , BIG SPRING TX

Complaint Description:

SUBSTANDARD STRUCTURE ON SIDE OF HOUSE

Property Maintenance Code Sec. 304.1.1 Premises and exterior property of structure is not maintained and is determined to be as unsafe, does not meet minimum building standards and needs to be brought up to building code.



City of Big Spring, TX

217 East 3rd St.
Big Spring, TX 79720
Phone: 432-264-2504
Fax: 432-264-7024
<https://www.mybigspring.com/ratkins@mybigspring.com>

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.

Regards,
Shannon Fant
Code Enforcement
432.264.2508



Code Compliance

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

**NOTICE OF VIOLATION
AND NOTICE OF HEARING**

Sent via: Certified Mail; Return Receipt Requested

September 13, 2024

Andrea Leeann Hilario
1406 Lexington Avenue
Big Spring, Texas 79720

Re: 1406 LEXINGTON, BIG SPRING, TEXAS 79720
LEGAL DESCRIPTION: LOT 8 LESS S/25' & LOT 9, BLOCK 2, SUNSET
PLACE ANNEX SUBDIVISION, Howard County

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

VIOLATION	DESCRIPTION OF VIOLATION
111.1.5 HAZARDOUS STRUCTURE OR PREMISES. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as follows shall be considered to be hazardous: 3. Any building, structure, or portion thereof that is dangerous. 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	The structure has severe roof damage and weather damage. The building is neglected, damaged, dilapidated and unsecured so as to constitute an attractive nuisance. Hazardous condition.

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.	
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. 3. Structures or components thereof have deterioration or distress that appears to reduce their load-carrying capacity. 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.	Severe roof damage and weather damage appear to have affected the building's load-carrying capacity and deteriorated the structural members of the building. 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:

REPAIR OR DEMOLISH AND REMOVE

REAR STRUCTURE.

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

Issued by

Shannon Fant

Name

Code Compliance Official

Title

+1 (432) 264-2508

Phone

sfant@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, September 24, 2024** 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,



Shannon Fant, Code Compliance Official
City of Big Spring, Texas

9589 0710 5270 1749 6551 21

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

\$

Sent To

Andrea Lueann Hilarcio

Street and Apt. No., or PO Box No.

406 Lexington Ave.

City, State, ZIP+4®

Big Spring, TX 79720

9/13/2024

Postmark
Here

406 LEXINGTON

Final Notice

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

Tracking Number:

Remove X

9589071052701749655121

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was delivered to an individual at the address at 5:23 pm on September 16, 2024 in BIG SPRING, TX 79720.

Get More Out of USPS Tracking:
USPS Tracking Plus®

Delivered
Delivered, Left with Individual
BIG SPRING, TX 79720
September 16, 2024, 5:23 pm

See All Tracking History

Feedback

[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)

Text & Email Updates

▼

USPS Tracking Plus®

▼

Product Information

▼

See Less ^

Track Another Package

Enter tracking or barcode numbers

STATE OF TEXAS

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COUNTY OF HOWARD

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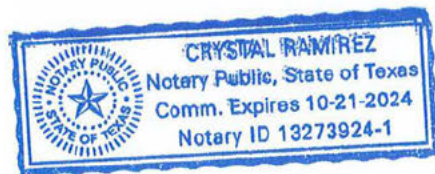
**CERTIFICATION
OF POSTING OF PUBLIC HEARING**

“The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for September 24, 2024, attached as **Exhibit F-6**, was posted on or near the front door of each dwelling unit listed in the attached notice on September 12, 2024.”

SIGNED on the 19 day of September, 2024.

Stant
AFFIANT

SWORN TO AND SUBSCRIBED before me this 19 day of September, 2024
by the above referenced Affiant.



Crystal Ramirez
Notary Public, State of Texas

Exhibit F-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 **SEPTEMBER 24TH, 2024, 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:

2606 CHANUTE, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LOT 25, BLOCK 2, CAPEHART SUBDIVISION, BIG SPRING, HOWARD COUNTY, TEXAS – OWNER: MAX F. MOORE & M. KAY MOORE

1101 N GOLIAD, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: SE/4 OF SECTION 42, BLOCK 32, TOWNSHIP 1 NORTH, TRACT 8, WILLIAM B CURRIE SUBDIVISION, BIG SPRING, HOWARD COUNTY, TEXAS – OWNER: CARLOS P. GARCIA & VALERIE GARCIA

605 JOHNSON, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: N/2 OF LOT 10 & S/2 OF LOT 11, BLOCK 47, ORIGINAL TOWN SUBDIVISION, BIG SPRING, HOWARD COUNTY, TEXAS – OWNER: JOSE FRANCISCO MARTINEZ & IRELA NOHEMI MARTINEZ

705 WYOMING, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LOT 9, BLOCK 3, BANKS SUBDIVISION, BIG SPRING, HOWARD COUNTY, TEXAS – OWNER: DOROTHY GREEN

102 LOCKHART, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LOT 5, BLOCK 6, LAKEVIEW SUBDIVISION, BIG SPRING, HOWARD COUNTY, TEXAS – OWNER: GARY RAWLS

1406 LEXINGTON, BIG SPRING, TEXAS 79720 – LEGAL DESCRIPTION: LOT 8 LESS S/25' & LOT 9, BLOCK 2, SUNSET PLACE ANNEX SUBDIVISION, BIG SPRING, HOWARD COUNTY, TEXAS – OWNER: ANDREA LEEANN HILARIO

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



September 12, 2024 11:36 AM

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

The City Council of the City of Big Spring, Texas, met in a Special Meeting in the City Council Chambers located at 307 E. 4th St., Big Spring, Texas, at 9:00 AM, September 9, 2024, with the following members present in person:

MAYOR ROBERT MOORE
COUNCIL MEMBER CODY HUGHES
COUNCIL MEMBER HOMER WILKERSON
MAYOR PRO TEM TROY TOMPKINS

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

TODD DARDEN	City Manager
JOHN MEDINA	Assistant City Manager
ANDREW HAGEN	City Attorney
CHAD WILLIAMS	Police Chief
MIKE FEELEY	Airpark Director
SANDY SMITH	Finance Director

Open Session

Call to Order

Mayor Moore called the Special City Council meeting to order at 9:00 a.m.

Executive Session

Adjourn into Executive Session in Accordance with the Purposes Permitted by the Open Meetings Act: Section 551.071, Texas Government Code, to Receive Attorney Advice and Consultation; and Section 551.072, Texas Government Code, "Deliberation Regarding Real Property; Closed Meeting," to Deliberate the Purchase, Exchange, Lease, or Value of Real Property when Deliberation in an Open Meeting Would Have a Detrimental Effect on the Position of the Governmental Body in Negotiations with a Third Person:

Leases of Municipal Corrections Finance, L.P. (Geo), 3700 Wright Ave ("Airpark"), 3711 Wright Ave. ("Cedar Hill") and 2001 Rickabaugh Ave. ("Flightline"), Big Spring, Texas

Mayor Moore adjourned into executive session at 9:01 a.m.

Reconvene into Open Session and Take Any Necessary Action Regarding the

Executive Session

Mayor Moore reconvened into open session at 9:54 a.m. No action was taken.

Adjourn

Mayor Moore adjourned the Special City Council meeting at 9:55 a.m.

Robert H. Moore III, Mayor

ATTEST:

Tami L. Davis, City Secretary

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, September 10, 2024, with the following members present in person:

MAYOR PRO TEM TROY TOMPKINS
COUNCIL MEMBER HOMER WILKERSON
COUNCIL MEMBER DIANE YANEZ
MAYOR ROBERT MOORE
COUNCIL MEMBER DANIEL MORENO
COUNCIL MEMBER NICK ORNELAS
COUNCIL MEMBER CODY HUGHES

Same and constituting a quorum, for which four Council Members 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
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

Don Smith gave the invocation.

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

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

Public Comment

Public Comment

One citizen spoke regarding the roach infestation at her apartment complex.

Announcements, Presentations and Public Hearings

Open Public Hearings

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

**YEAS: Mayor Moore, Council Member Ornelas, Council Member Yanez, 7
Council Member Hughes, Council Member Wilkerson, Mayor Pro Tem
Tompkins, Council Member Moreno**

NAYS: None 0

MOTION PASSED

PUBLIC HEARING - Annual Budget for Fiscal Year 2024-2025

Sandy Smith, Finance Director, explained a few changes to the Annual Budget for Fiscal Year 2024-2025 since the budget work sessions. No comments were made at this time.

PUBLIC HEARING - Proposed Tax Rate for Year 2024

Sandy Smith, Finance Director, explained the proposed tax rate for 2024 is \$0.671465. No comments were made at this time.

PUBLIC HEARING - Regarding a Zone Change Z24-02: General Residential (GR) to Heavy Commercial (HC) for Property 297365, 2201 Old Bankhead Hwy (Old State Highway 80), Which is 2 Acres in SC 32 BK 33 1N 620, City of Big Spring, Howard County Texas

Shane Bowles, Public Works Director, explained the zone change that was approved through the Planning and Zoning Board with only one objection out of nine that were sent out. No comments were made at this time.

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 910 E 15TH, BIG SPRING, TEXAS 79720 – LEGAL

DESCRIPTION: LOT 6, BLOCK 37, COLE & STRAYHORN SUBDIVISION, BIG SPRING, HOWARD COUNTY, TEXAS – OWNER: B&C STARR, LLC

MOTION WAS MADE BY Mayor Moore to abate the above captioned property (910 E. 15th), seconded by Council Member Hughes.

**YEAS: Mayor Moore, Council Member Ornelas, Council Member Yanez, 7
Council Member Hughes, Council Member Wilkerson, Mayor Pro Tem**

Tompkins, Council Member Moreno
NAYS: None

0
MOTION PASSED

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 501 DONLEY, BIG SPRING, TEXAS 79720 – LEGAL
DESCRIPTION: LOT 12, BLOCK 16, BOYDSTUN SUBDIVISION, BIG SPRING, HOWARD COUNTY, TEXAS – OWNER: MANUEL ARRIAGA

MOTION WAS MADE BY Council Member Hughes to abate the above captioned property (501 Donley), seconded by Council Member Wilkerson.

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

MOTION PASSED

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 910 N RUNNELS, BIG SPRING, TEXAS 79720 – LEGAL
DESCRIPTION: SE/4 OF SECTION 42, BLOCK 32, TOWNSHIP 1 NORTH, TRACT 21, WILLIAM B CURRIE SUBDIVISION, BIG SPRING, HOWARD COUNTY, TEXAS – OWNER: THE ESTATE OF TERRENCE YOUNG

MOTION WAS MADE BY Council Member Hughes to abate the above captioned property (910 N. Runnels), seconded by Council Member Yanez.

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

MOTION PASSED

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 4110 MUIR, BIG SPRING, TEXAS 79720 – LEGAL
DESCRIPTION: LOT 6, BLOCK 1, MUIR HEIGHTS SUBDIVISION, BIG SPRING, HOWARD COUNTY, TEXAS – OWNER: MARTIN P. CARRILLO

MOTION WAS MADE BY Council Member Yanez to abate the above captioned property (4110 Muir), seconded by Council Member Hughes.

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

MOTION PASSED

PUBLIC HEARING - Consideration and Possible Action Concerning Abatement of Public Nuisance, at 707 WYOMING, BIG SPRING, TEXAS 79720 – LEGAL

DESCRIPTION: LOT 10, BLOCK 3, BANKS SUBDIVISION, BIG SPRING, HOWARD COUNTY, TEXAS – OWNER: THE ESTATE OF WILL JOHNSON

MOTION WAS MADE BY Mayor Pro Tem Tompkins to abate the above captioned property (707 Wyoming), seconded by Council Member Ornelas.

**YEAS: Mayor Moore, Council Member Ornelas, Council Member Yanez, 7
Council Member Hughes, Council Member Wilkerson, Mayor Pro Tem
Tompkins, Council Member Moreno**

NAYS: None 0

MOTION PASSED

Close Public Hearings

MOTION WAS MADE BY Mayor Moore to close the above captioned public hearings, seconded by Council Member Yanez.

**YEAS: Mayor Moore, Council Member Ornelas, Council Member Yanez, 7
Council Member Hughes, Council Member Wilkerson, Mayor Pro Tem
Tompkins, Council Member Moreno**

NAYS: None 0

MOTION PASSED

City Manager's Report

City Manager's report on the following items:

- Update - Large Item Pickup, District 3 - Sept. 18th
- City Wishes to Express our Sincere Condolences to the Family of Battalion Chief Greg McAlister

**Todd Darden, City manager, reported on the above captioned items as follows:
Large item pickup for District 3 will be on September 18, 2024; Expressed the
City's sincere condolences to the family of Battalion Chief Greg McAlister for
their loss and requested a moment of silence.**

Consent Items

Approval of the City Council Minutes of the Regular Meeting of August 27, 2024.

Final Reading of a Resolution Approving a Negotiated Settlement Between the Executive Committee of Cities Served by Atmos West Texas ("Cities") and Atmos Energy Corp., West Texas Division Regarding the Company's 2024 Rate Review Mechanism Filing; Declaring Existing Rates to be Unreasonable; Adopting Tariffs that Reflect Rate Adjustments Consistent with the Negotiated Settlement; Finding the Rates to be Set by the Attached Settlement Tariffs to be Just and Reasonable and in the Public Interest; Approving an Attachment Establishing a Benchmark for Pensions and

Retiree Medical Benefits; Requiring the Company to Reimburse Cities' Reasonable Ratemaking Expenses; Determining that this Resolution was Passed in Accordance with the Requirements of the Texas Open Meetings Act; Adopting a Savings Clause; Declaring an Effective Date; and Requiring Delivery of this Resolution to the Company and the Cities' Legal Counsel

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

**YEAS: Mayor Moore, Council Member Ornelas, Council Member Yanez, 7
Council Member Hughes, Council Member Wilkerson, Mayor Pro Tem
Tompkins, Council Member Moreno**

NAYS: None 0

MOTION PASSED

Vouchers

Vouchers for 08/29/24 \$ 336,692.60

The above listed vouchers were not approved at this meeting and will be moved to the next council meeting on September 24, 2024.

Vouchers for 09/05/24 \$ 440,237.41

Council Member Hughes reviewed the above captioned vouchers.

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

**YEAS: Mayor Moore, Council Member Ornelas, Council Member Yanez, 7
Council Member Hughes, Council Member Wilkerson, Mayor Pro Tem
Tompkins, Council Member Moreno**

NAYS: None 0

MOTION PASSED

Bids

Consideration and Possible Action on Awarding a Bid for the Asbestos Abatement and Demolition of the Control Tower located at McMahon-Wrinkle Airport and Authorizing the City Manager or His Designee to Execute any Necessary Documents

MOTION WAS MADE BY Council Member Hughes to award the above captioned bid to Advanced Enviornmental in the amount of \$85,000.00, seconded by Mayor Pro Tem Tompkins.

**YEAS: Mayor Moore, Council Member Ornelas, Council Member Yanez, 7
Council Member Hughes, Council Member Wilkerson, Mayor Pro Tem
Tompkins, Council Member Moreno**

NAYS: None 0

MOTION PASSED

Consideration and Possible Action on Awarding a Bid for the Construction of ADA Compliant Sidewalks for the New Playground at Comanche Trail Park and Authorizing the City Manager or His Designee to Execute any Necessary Documents

MOTION WAS MADE BY Council Member Hughes to award the above captioned bid to Quality Concrete in the amount of \$26,000.00, seconded by Council Member Wilkerson.

**YEAS: Mayor Moore, Council Member Ornelas, Council Member Yanez, 7
Council Member Hughes, Council Member Wilkerson, Mayor Pro Tem
Tompkins, Council Member Moreno**

NAYS: None 0

MOTION PASSED

Consideration and Possible Action on Awarding Annual Bids and Authorizing the City Manager or His Designee to Execute any Necessary Documents as Follows:

MOTION WAS MADE BY Mayor Pro Tem Tompkins to award the below listed annual bids, seconded by Council Member Yanez.

**YEAS: Mayor Moore, Council Member Ornelas, Council Member Yanez, 7
Council Member Hughes, Council Member Wilkerson, Mayor Pro Tem
Tompkins, Council Member Moreno**

NAYS: None 0

MOTION PASSED

Aluminum Sulfate

Awarded to Chameleon Industries, Inc. in the amount of \$225,000.00.

Anhydrous Ammonia

Awarded to PVS DX Inc. in the amount of \$90,000.00.

Liquid Chlorine

Awarded to PVS DX Inc. in the amount of \$318,370.00.

Polymer

Awarded to Polydyne Inc. in the amount of \$71,600.00.

Sodium Hydroxide

Awarded to Univar Solutions in the amount of \$18,090.00.

Sulfur Dioxide

Awarded to PVS DX Inc. in the amount of \$45,000.00.

Valves & Fittings

Awarded to Core and Main in the amount of \$672,577.89.

Sodium Permanganate
Awarded to Chemrite Inc. in the amount \$144,060.00.

New Business

Consideration and Possible Action Regarding the Big Spring Economic Development Corporation's Annual Budget for 2024-2025

MOTION WAS MADE BY Mayor Moore to approve the above captioned budget with the following exceptions: Teresa Morris pay raise-5% for receiving certification and 5% cost of living; Mark Willis pay raise - 5% cost of living; and reducing the Property Improvements from \$60,000 to \$25,000, seconded by Council Member Yanez.

**YEAS: Mayor Moore, Council Member Yanez, Council Member Hughes, 5
Council Member Wilkerson, Council Member Moreno**

NAYS: Council Member Ornelas, Mayor Pro Tem Tompkins 2

MOTION PASSED

First Reading of an Ordinance Approving and Adopting an Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2024 and Ending September 30, 2025; Providing for Severability; and Providing an Effective Date

MOTION WAS MADE BY Mayor Moore to approve the above captioned ordinance on the annual budget with the exception of the CVB budget, seconded by Council Member Hughes.

**YEAS: Mayor Moore, Council Member Ornelas, Council Member Yanez, 7
Council Member Hughes, Council Member Wilkerson, Mayor Pro Tem Tompkins, Council Member Moreno**

NAYS: None 0

MOTION PASSED

MOTION WAS MADE BY Council Member Hughes to approve the CVB budget as part of the above captioned ordinance on the annual budget, seconded by Council Member Nick Ornelas.

**YEAS: Council Member Ornelas, Council Member Yanez, Council Member 6
Hughes, Council Member Wilkerson, Council Member Tompkins, Council Member Moreno**

NAYS:0 0

ABSTAINED: Mayor Moore 1

MOTION PASSED

First Reading of an Ordinance Fixing and Levying Municipal Ad Valorem Taxes for Said City for the Year 2024 ; Directing the Assessment and Collection Thereof; Providing for Severability; and Establishing an Effective Date

"I Move that the Property Tax Rate be Increased by the Adoption of a Tax Rate of \$0.671465 per \$100 Taxable Assessed Valuation, Which is Effectively a 5.57% Increase in the Tax Rate."

MOTION WAS MADE BY Council Member Ornelas to approve the above captioned ordinance by moving that the property tax rate be increased by the adoption of a tax rate of \$0.671465 per \$100 taxable assessed valuation, which is effectively 5.57 % increase in the tax rate, seconded by Council Member Hughes.

**YEAS: Mayor Moore, Council Member Ornelas, Council Member Yanez, 7
Council Member Hughes, Council Member Wilkerson, Mayor Pro Tem
Tompkins, Council Member Moreno**

NAYS: None 0

MOTION PASSED

First Reading of an Ordinance Ratifying the Property Tax Increase Reflected in the Fiscal Year 2024-2025 Budget that Will Require Raising More Revenue from Property Taxes than in the Prior Fiscal Year 2023-2024 Budget

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

**YEAS: Mayor Moore, Council Member Ornelas, Council Member Yanez, 7
Council Member Hughes, Council Member Wilkerson, Mayor Pro Tem
Tompkins, Council Member Moreno**

NAYS: None 0

MOTION PASSED

First Reading of an Ordinance Authorizing Z24-02 and Amending the Big Spring Zoning Ordinance by Rezoning Approximately 2 Acres Out of 2201 Old Bankhead Highway, Section 32, Block 33, City of Big Spring, Howard County, Texas from General Residential to Heavy Commercial; Providing for 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

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

**YEAS: Mayor Moore, Council Member Ornelas, Council Member Yanez, 7
Council Member Hughes, Council Member Wilkerson, Mayor Pro Tem
Tompkins, Council Member Moreno**

NAYS: None 0

MOTION PASSED

Boards and Committees

Consideration and Possible Action on the Below Listed Boards & Committees Regarding Expired Terms as of 9/30/24 & Vacancies:

MOTION WAS MADE BY Council Member Hughes approving to ratify the current members listed below and extend their term for another three years and moving

Jan Hansen from the Zoning Board of Adjustments-Alternate to the Planning and Zoning Commission, seconded by Mayor Pro Tem Tompkins.

YEAS: Mayor Moore, Council Member Ornelas, Council Member Yanez, Council Member Hughes, Council Member Wilkerson, Mayor Pro Tem Tompkins, Council Member Moreno

7

NAYS: None

0

MOTION PASSED

McMahon/Wrinkle Aviation Advisory Board

Dist. 2 - Adriel Saldivar, Current Member

Dist. 3 - No Current Member

Dist. 4 - Shane Schaffner, Current Member

Dist. 6 - Steven Boatenhamer, Current Member

Board of Adjustments & Appeals

Dist. 1 - No Current Member

Dist. 2 - Rosie Franco - Current Member

Dist. 3 - No Current Member

Dist. 4 - No Current Member

Dist. 5 - No Current Member

Dist. 6 - No Current Member

Planning & Zoning Commission

Dist. 2 - TJ Stewart, Current Member

Dist. 4 - No Current Member

Dist. 6 - No Current Member

Zoning Board of Adjustments

Dist. 2 - Julie Ramirez, Current Member

Dist. 4 - No Current Member

Dist. 6 - Mark Sheedy, Current Member

Zoning Board of Adjustments - Alternates

Dist. 2 - Jose Olivias, Current Member

Dist. 3 - No Current Member

Dist. 4 - Jan Hansen, Current Member

Dist. 5 - No Current Member

Dist. 6 - April Gutierrez, Current Member

Mayor - No Current Member

Animal Rescue & Adoption Committee

Dist. 2 - Julia Hartman, Current Member

Dist. 3 - No Current Member

Dist. 4 - Jeff Lane, Current Member

Dist. 6 - No Current Member

Big Spring Economic Development Corporation

Dist. 2 - Anna Scott, Current Member

Dist. 3 - No Current Member

Dist. 6 - Kevin Armstrong, Current Member

Council Input

Input

There was no Council input at this time.

Executive Session

MOTION WAS MADE BY Mayor Moore to postpone the below listed executive sessions to the next City Council meeting, seconded by Council Member Ornelas.

YEAS: Mayor Moore, Council Member Ornelas, Council Member Yanez, Council Member Hughes, Council Member Wilkerson, Mayor Pro Tem Tompkins, Council Member Moreno

7

NAYS: None

0

MOTION PASSED

ADJOURN into Executive Session in Matters Covered by Section 551.074, Texas Government Code, "Personnel

Matters; Closed Meeting" to Deliberate the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline or

Dismissal of the following:

City Attorney

City Manager

Municipal Judge

ADJOURN into Executive Session in Accordance with the Purposes Permitted by the Open Meetings Act, Section 551.071, Texas Government Code, "Consultation with Attorney; Closed Meeting," and the Texas Disciplinary Rules of Professional Conduct, to Provide Legal Advice and Counsel with Respect to Potential Litigation.

Reconvene into Open Session and Take Any Necessary Action Regarding the Executive Sessions.

Adjourn

Mayor Moore adjourned the City Council meeting at 6:43 p.m.

Robert H. Moore III, Mayor

ATTEST:

Tami L. Davis, City Secretary

Minutes of the Board of Director's Regular Meeting
BIG SPRING ECONOMIC DEVELOPMENT CORPORATION
Tuesday, August 20, 2024, 5:15 p.m.
Offices of the Big Spring Economic Development Corporation
215 West Third Street, Big Spring, Texas

The Regular Meeting of the Board of Directors of the Big Spring Economic Development Corporation was called to order at 5:18 p.m. Tuesday, August 20, 2024, in the offices of the Big Spring Economic Development Corporation. The following notice was sent on August 16, 2024, to all Directors, the news media, and duly posted on August 16, 2024, by Teresa Morris in compliance with the Open Meeting's Act by posting it on the outside door of the Big Spring Economic Development Corporation and on the outside of City Hall.

"The Board of Directors of the Big Spring Economic Development Corporation will hold a Regular Board Meeting on Tuesday, August 20, 2024, at 5:15 p.m. in the offices of the Big Spring Economic Development Corporation, 215 West Third Street, Big Spring, Texas. The purpose of the meeting is; Public Comment, Action on Minutes of the July 16, 2024, Regular Meeting, Action to Approve July Investment and Financials Report, Consideration/Action to Approve a Resolution adopting the 2024-2025 Investment Policy, Consideration/Action to Approve Authorized Security Broker/Dealers, Consideration/Action to Approve a Corporate Resolution for Authorized Representatives for Financial Institutions, Directors Report, Executive Session, Action as a Result of Executive Session, Board Comment, and Adjourn".

Directors Present:

Ms. Anna Scott- President
Mr. Joel De La Garza - Secretary/Treasurer
Mr. Kevin Armstrong
Mr. Brent Strande

Directors Absent:

Mr. Cody Williams- Vice President
Mr. Raul Benavides

Staff Present:

Mr. Mark Willis
Ms. Teresa Morris

Guests that signed in: Homer Wilkerson

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

Ms. Scott called the meeting to order at 5:18 p.m. Mr. De La Garza led the invocation and pledge.

ACTION ITEM #2- Public Comment:

None

AGENDA ITEM #3- Action on Minutes of the July 16, 2024, Regular Meeting:

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

AGENDA ITEM #4- Action to Approve July Investment & Financial Report:

Mr. De La Garza presented the Financials and Investment Report. Motion to approve the Investment & Financial Report was made by Mr. De La Garza seconded by Mr. Strande. The motion passed 4 to 0 with all members present voting "aye" in favor of the motion.

ACTION ITEM #5- Consideration/Action to Approve a Resolution adopting the 2024-2025 Investment Policy:

Mr. Willis presented the Investment Policy. Ms. Scott read the Resolution. Motion to approve the Resolutions was made by Mr. Armstrong seconded by Mr. De La Garza. The motion passed 4 to 0 with all members present voting "aye" in favor of the motion.

ACTION ITEM #6- Consideration/Action to Approve the Authorized Security Broker/Dealers:

Mr. Willis requested to table this item. Motion to table was made by Mr. Armstrong, seconded by Mr. Strande. The motion passed 4 to 0 voting "aye" in favor of the motion.

ACTION ITEM 7#- Consideration/Action to Approve a Corporate Resolution for Authorized Representative for Financial Institutions:

Mr. Willis presented the Resolution. Motion to approve was made by Mr. Strande, seconded by Mr. Armstrong. The motion passed 4 to 0 with all members present voting "aye" in favor of the motion.

ACTION ITEM #8- Directors Report:

Projects: The final City/EDC edits of the Cross Ell contracts have been sent to them and it is hoped signing of the agreements will be completed soon. The request for a 90-day extension to the EDA deadline for commencing construction (September 20, 2024) is expected to be accepted, incorporating the additional 127-acre property and infrastructure into the larger project. The ABS Wind incentive package is ready to execute as soon as a copy of the company's lease with the Airpark is complete. The EDC is preparing a cost-benefit analysis for the city in regard to the value associated with a drainage project and easement agreement with the owners of the 35-acres located behind Star Dodge required to accommodate the construction of a new hotel in the area. EDC staff continues to meet with prospects interested in Crossroads Business Park locations when the infrastructure is in place. The Samsung Tax Abatement agreement with Howard College has been approved and a contract agreement is being drafted. At least one additional sight matching the requirements for a similar project has been shared with the consultants leading the project and may present a second opportunity for battery storage in Howard County. The Caruso data center project is likely to be moved to provide a better buffer for nearby residences and would provide the additional space for a second phase. Meetings: The EDC Director attended the annual Legislative Summit hosted by San Angelo Chamber of Commerce. The EDC Executive Director attended the High Ground Board of Directors planning meeting. The EDC staff continue to work with the School to Industry program planning initiative. The EDC staff is working on several legislative events including Local Legislative Day, the Howard County Summit, and Howard County Day at the Capital. The EDC Director did two monthly radio interviews. The EDC Director participated in 4 City staff meetings. The EDC Director participated in two City Council meetings. The next Board meeting is tentatively scheduled for September 12th to accommodate staff work travel schedules.

ACTION ITEM #9- Adjourn into Executive Session in Accordance with Texas Government Code, Section 551.074 to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

Ms. Scott adjourned the Board into Executive Session @ 5:35 pm., Aug. 20, 2024

Ms. Scott called the Executive Session to order at 5:36 pm.

Ms. Scott adjourned out of executive session at 5:57 pm.

Ms. Scott reconvened into open session at 5:58 pm., Aug. 20, 2024

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

None

AGENDA ITEM #11-Board Comments:

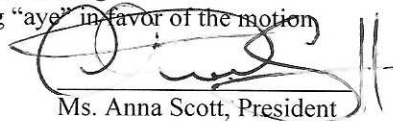
The board thanked the staff for the job they do and look forward to being able to see the contracts with the landowners close to completion.

AGENDA ITEM #12- Adjourn:

Mr. Strande made a motion to adjourn, seconded by Mr. Armstrong

The motion passed 4 to 0 with all members present voting "aye" in favor of the motion

The meeting adjourned at 5:59 pm on Aug. 20, 2024.



Ms. Anna Scott, President

ATTEST:



Mr. Joel De La Garza, Secretary/Treasurer

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

The Planning and Zoning Commission of the City of Big Spring, Texas, met in a REGULAR Session in the City Council Chambers located at 307 E. 4th St., Big Spring, Texas, at 5:30 PM, April 16, 2024, with the following board members:

DALE AVANT	CHAIR
TERRY MCDANIEL	CO-CHAIR
KELLY HARRIS	MEMBER
TJ STEWART	MEMBER

Same and constituting a quorum, for which four board members must be present; and the following were in person;

DALE AVANT	CHAIR
TERRY MCDANIEL	CO-CHAIR
KELLEY HARRIS	MEMBER
T.J. STEWART	MEMBER

Open Session

Call to Order

The regular meeting for Planning & Zoning Commission was call to order at 5:30 pm.

Public Hearings

A motion to open the public hearing was made by Member McDaniel and seconded by Member Harris.

4 yes 0 nos

Nobody spoke in the Public Hearing.

A Motion to close the public hearing was made by Member McDaniel, seconded by Member Stawart.

4 yes 0 nos

Z24-01: Being of Blocks 19 and 22 of Kentwood Addition (Unit No. 2), and 7.180 acres out of Section No. 9, Block 32, T-1-S, T&P RR Co. Survey, Abstract No. 156, City of Big Spring, Howard County, Tx., from SF-2, Single-Family Dwelling District to PD, Planned

Development for Housing Development.

Replat: A final plat of Kentwood Addition Unit No. 6 being a replat of Blocks 19 and 22 of Kentwood Addition (Unit No. 2), and 7.180 acres out of Section No. 9, Block 32, T-1-S, T&P RR Co. Survey, Abstract No. 156, City of Big Spring, Howard County, TX.

Consent Items

Approval of the minutes from the Planning and Zoning Meeting held on 12/05/2023.
Motion to approve the minutes for meeting held on 12/05/2023 was made by Member Stewart, seconded by Member McDaniel.
4 yes 0 no

New Business

Z24-01: Being of Blocks 19 and 22 of Kentwood Addition (Unit No. 2), and 7.180 acres out of Section No. 9, Block 32, T-1-S, T&P RR Co. Survey, Abstract No. 156, City of Big Spring, Howard County, TX., from SF-2, Single-Family Dwelling District to PD, Planned Development for a Housing Development.

Motion to approve Z24-01 was made by Member McDaniel and seconded by Member Harris.
4 yes 0 no

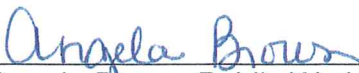
Replat: A final plat of Kentwood Addition Unit No. 6 being a replat of Blocks 19 and 22 of Kentwood Addition (Unit No. 2), and 7.180 acres out of Section No. 9, Block 32, T-1-S, T&P RR Co. Survey, Abstract No. 156, City of Big Spring, Howard County, TX.

Motion to recommend approving the replat was made by Member Harris and seconded by Member Stewart.
4 yes 0 nos



Dale Avant, Chair

ATTEST:



Angela Brown, Public Works Coordinator

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, RATIFYING THE PROPERTY TAX INCREASE REFLECTED IN THE FISCAL YEAR 2024-2025 BUDGET THAT WILL REQUIRE RAISING MORE REVENUE FROM PROPERTY TAXES THAN IN THE PRIOR FISCAL YEAR 2023-2024 BUDGET.

WHEREAS, the City Council has, on the same date as and prior to its consideration and adoption of this Ordinance, adopted by separate Ordinance the budget of the City of Big Spring for the Fiscal Year 2024–2025;

WHEREAS, the Fiscal Year 2024-2025 budget will require raising more revenue from property taxes than in the prior budget of the City of Big Spring for Fiscal Year 2023-2024; and

WHEREAS, Section 102.007 (c) of the Texas Local Government Code provides that adoption of a budget that will require raising more revenue from property taxes than in the previous year does require a separate vote of the City Council to ratify the property tax increase reflected in the budget; and that a vote under this subsection is in addition to and separate from the vote to adopt the budget or a vote to set the tax rate; and

WHEREAS, in order to comply with that provision, it is necessary for the City Council to adopt this Ordinance;

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

SECTION 1. In accordance with the requirements of Section 102.007 (c), Texas Local Government Code, the property tax increase reflected in the Fiscal Year 2024-2025 Budget that will require raising more revenue from property taxes than in the prior approved budget for Fiscal Year 2023-2024 budget is hereby ratified.

SECTION 2. Should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 4. This ordinance shall take effect on October 1, 2024.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **10th** day of **September, 2024**, with all members 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 **24th** day of **September, 2024**, with all members present voting “aye” for the passage of same.

Robert H. Moore III, Mayor

ATTEST:

Tami L. Davis, City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AUTHORIZING Z24-02, AMENDING THE BIG SPRING ZONING ORDINANCE BY REZONING APPROXIMATELY 2 ACRES OUT OF PROPERTY 297365 2201 OLD BANKHEAD HWY SEC 32, BLK 33 1N 620, CITY OF BIG SPRING, HOWARD COUNTY, TEXAS FROM , GENERAL RESIDENTIAL TO HEAVY COMMERCIAL; PROVIDING FOR 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 Planning and Zoning Commission held public hearings during regular meetings on September 3rd, 2024 and gave its final recommendation for approval of this zone change from GR General Residential to Heavy Commercial Property for Commercial Development; and

WHEREAS, the City Council held a public hearing during a regular meeting on September 10th, 2024; and

WHEREAS, the City Council has considered this request and has determined that approval is in the best interest of the City;

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

SECTION 1. The City Council hereby authorizes Z24-02, a rezone of 2.094 acres lying in and being at property 2201 Old Bankhead Hwy, Big Spring, Texas, with the legal description of the southwest quarter of Section 32, Block 33, Township 1 North, T. & P. R.R. Co. Survey, Abstract No. 597, Howard County, Texas, and further described in a deed in Howard County Records located in volume 2237, page 69, from GR General Residential to Heavy Commercial Property for Commercial Development and such changes are hereby approved as an amendment to the Zoning Ordinance subject to the following minimum requirements: The underlying zoning for the described property shall change from GR, General Residential to that of Heavy Commercial. The plat for the property shall conform to the above-described development standards and shall serve as the site plan for the development.

SECTION 2. The City of Big Spring Zoning Map shall be amended to reflect the zoning designation of the above-described property as HC – Heavy Commercial.

SECTION 3. 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 4. All provisions of any ordinance, rule, regulation, or order of the City in conflict with this Ordinance are hereby repealed to the extent they are in conflict.

SECTION 5. It is hereby officially found and determined that the meetings at which this Ordinance was adopted were open to the public and that public notice of the time, place and purpose of said meetings was given as required by law.

SECTION 6. Neither this Ordinance, nor Ordinance 024-2024 (zoning case Z-24-01) will be codified.

SECTION 7. This Ordinance shall become effective upon its second publication according to law.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **10th** day of **September 2024**, with all members 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 **24th** day of **September 2024**, with all members present voting "aye" for the passage of same.

Robert H. Moore, III, Mayor

ATTEST:

Tami L. Davis, City Secretary



Memorandum

Date: 09/10/2024

From: Sandy Smith, Finance Director

To: Mayor and City Council

Re: 2024-2025 Budget Changes

The following changes were made to the 2024-25 Budget that was originally presented to the Council during the budget work sessions:

1. General Fund:

- a. Dept 230 - Fire Marshall: corrected Department Salaries from \$0.10 to \$98,89
- b. Dept 300 – Streets - Page 281: added the street seal coat/crack seal and street rebuild to the capital asset descriptions.
- c. Dept 370 – Parks: account 002-027-370-6226 Miscellaneous Structures – added \$50,000 for ADA compliant sidewalks for the new playground.
- d. Dept 375 – Sports Complex:
 - i. Account 002-027-375-5521 – added \$20,000 for the grounds consultant to get the fields up to tournament standards and provide training for the Sports Complex staff.
 - ii. Account 002-027-375-5035 – increased the overtime budget from \$3,159 to \$6,000 for field maintenance and tournament play.

2. Fund 110 – Auditorium: account 110-040-530-6317 decreased from \$700,000 to \$334,569. The HVAC at the Auditorium was complete.

3. Fund 405 –

- a. Dept 705 - Water Treatment Plant: Account 405-021-705-6213
 - i. Pumphouse was reduced from \$100,000 to \$60,000
 - ii. Mini-Split was increased from \$20,000 to \$60,000
- b. Dept 710 – Distribution & Collection:

- i. Revised Budget FY 23-24 Account 405-021-710-6401 Added \$30,000 for F-250 Crew Cab, due to the repairs needed to the current crew truck. This is the downpayment. The remainder will be financed through Enterprise Fleet.
 - ii. 405-021-710-5515 – increased by \$10,000 for lease payments for the F-250 Truck.
- 4. Fund 410 – Airpark Fund:
 - a. Account 410-021-610-5900-002 Fuel Sales – increased to \$328,100 to account for the new FBO service
 - b. Account 410-4736 – Fuel Flowage Fees – increased to \$519,000
- 5. Fund 430 – Emergency Medical Services: the salary accounts were increased due to the expedited hire of new personnel.

		As		
		Presented	Revised	Difference
430-012-260-5010-000	SALARIES	780,090	992,750	212,660
430-012-260-5021-000	TERMINATION PAY	0	0	0
430-012-260-5022-000	VACATION BUY BACK	5,000	5,000	0
430-012-260-5035-000	OVERTIME	25,000	25,000	0
430-012-260-5045-000	LONGEVITY	3,500	3,500	0
430-012-260-5050-000	RETIREMENT	154,826	195,295	40,469
430-012-260-5060-000	GROUP INSURANCE	131,000	184,500	53,500
430-012-260-5065-000	WORKERS' COMPENSATION	74,382	74,382	0
430-012-260-5070-000	RETIREMENT-DEFERRED COMP	44,829	56,546	11,717
430-012-260-5075-000	LIFE & DISABILITY INSURANCE	9,516	9,516	0
430-012-260-5080-000	MEDICARE	11,797	14,881	3,084
430-012-260-5085-000	UNEMPLOYMENT TAXES	1,404	1,404	0
		1,241,344	1,562,774	321,430

- 6. Fund 440 – Sanitation: Page 283, capital item was listed as a Sanitation truck, should have been listed as a trash vacuum.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, APPROVING AND ADOPTING AN ANNUAL BUDGET FOR THE CITY OF BIG SPRING, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2024 AND ENDING SEPTEMBER 30, 2025; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Manager of the City of Big Spring has prepared, at the direction of the City Council, the annual budget of the City of Big Spring, Texas, for the fiscal year beginning October 1, 2024 and ending September 30, 2025; and

WHEREAS, public notices of a public hearing upon this budget have been duly and legally made as required by law; and

WHEREAS, after due deliberation, study and consideration of the proposed budget as submitted by the City Manager, the City Council of the City of Big Spring is of the opinion that the same should be approved and adopted;

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

SECTION 1. That the budget of the City of Big Spring, Texas for the fiscal year commencing October 1, 2023, and ending September 30, 2024, be revised in accordance with the expenditures estimated for said fiscal year as indicated in the documents setting forth the budget for the fiscal year commencing October 1, 2024 and terminating September 30, 2025.

SECTION 2. That the annual budget of the City of Big Spring, Texas for the fiscal year commencing October 1, 2024, and ending September 30, 2025 as submitted by the City Manager is hereby approved and adopted and that a true and correct copy of the budget herein approved and adopted shall be filed for record in the office of the City Secretary and that same shall constitute a part of the public records of the City of Big Spring, Texas.

SECTION 3. That the City Manager is granted the authority to revise line item accounts within a department budget so long as the total departmental budget is not increased, unless the City Council has approved increases in a departmental budget at a scheduled Council meeting. The City Manager will notify the City Council of any such revisions that exceed \$1,000.00.

SECTION 4. Should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby.

SECTION 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 6. This ordinance shall take effect on October 1, 2024.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **10th** day of **September, 2024**, with all members 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 **24th** day of **September, 2024**, with all members present voting “aye” for the passage of same.

Robert H. Moore III, Mayor

ATTEST:

Tami L. Davis, City Secretary



Memorandum

Date: 09/10/2024

From: Sandy Smith, Finance Director

To: Mayor and City Council

Re: 2023-2024 Proposed Tax Rate

The proposed tax rates for 2024-2025 have been delivered to the City by the Tax Assessors office. The council took a record vote on August 27, 2024, to proceed with the tax rate of .671465 for Fiscal Year 2024-2025. It is estimated that the General Fund will receive \$7,905,954 in tax revenue for the j2024-25 Fiscal year.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BIG SPRING, TEXAS, FIXING AND LEVYING MUNICIPAL AD VALOREM TAXES FOR SAID CITY FOR THE YEAR 2024; DIRECTING THE ASSESSMENT AND COLLECTION THEREOF; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Big Spring, Texas is an incorporated Home Rule city dependent upon taxes to provide services to its citizens; and

WHEREAS, all notification and public hearing requirements have been satisfied; and

WHEREAS, the City Council finds it necessary to levy taxes for the 2024-25 fiscal year; and

WHEREAS, the tax rate being considered is last year's tax rate; and

WHEREAS, this tax rate will raise more taxes for maintenance and operations than last year's tax rate. The tax rate will effectively be raised by 5.57% percent and will raise taxes for maintenance and operations on a \$100,000 home by approximately \$55.70.

WHEREAS, the City Council finds that the tax for the year 2024, hereinafter levied for current expenses of the City and general improvement of the City and its property, must be levied to provide the revenue requirements of the budget for the ensuing year; and,

WHEREAS, the City Council finds that taxes for year 2024, hereinafter levied therefore, are necessary to pay interest and to provide the required sinking fund on outstanding bonds of the City issued for municipal purposes;

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

SECTION 1. The facts and recitations in the preamble to this ordinance are hereby found and declared to be true and correct, and are incorporated herein and expressly made a part hereof, as if copied verbatim.

SECTION 2. The City Council hereby finds that the City has complied with all of the prerequisites necessary to the levying of a tax rate for this City for the year 2024, and does hereby levy and adopt the tax rate on One Hundred Dollars (\$100) valuation for the tax year 2025 as follows:

\$0.588350 for the purpose of maintenance and operation
\$0.083115 for the principal and interest on debt of this city as set out in Section 5

\$0.671465 **Total Tax Rate**

SECTION 3. For the current expenses of the City and general improvement of the City and its property, i.e., for maintenance and operation, the City Council hereby levies and orders to be assessed and collected for the year 2025 on all property situated within the limits of said City and not exempted from taxation by valid laws, ad valorem tax at the rate of 58.835 cents (\$0.58835) on each One Hundred Dollars (\$100.00) valuation of said property.

SECTION 4. For the purpose of paying interest and providing a sinking fund for the payment of each issue of bonds issued for various municipal purposes and described in the schedule set out in Section 5, including the various installments of principal falling due during the ensuing year on serial bonds issued for said purposes, the City Council hereby levies and orders to be assessed and collected for the year 2024 on all property situated within the limits of said city and not exempted from taxation by valid laws, an ad valorem tax for each of the issues of bonds described in said section at the respective rates shown in the right hand column of said section opposite the descriptions of said issues, said rates being expressed in amounts on one hundred dollars (\$100.00) valuation of said property, the sum of said respective levies being 08.3115 cents (\$0.083115) on each One Hundred Dollars (\$100.00) valuation of said property for said bond issues, and the amounts of levies therefore being as shown in said Section 3.

SECTION 5. Schedule of Bond Issues and Amounts of the Tax Levies Thereof:

<u>Purpose of Issue</u>	<u>Date of Issue</u>	<u>Tax Rate Per \$100 Valuation</u>
Certificates of Obligation	2020	2.0778¢
General Obligation Bonds	2016	<u>6.2337¢</u>
Total requirements for outstanding bonds		8.3115¢

SECTION 6. The City Council hereby finds and determines that the meeting at which this Ordinance was passed was open to the public as required by law.

SECTION 7. If any section, paragraph, clause, phrase, or provision of this ordinance shall be adjudged invalid or found to be unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part of provision thereof, other than the part so declared to be invalid or found to be unconstitutional.

SECTION 8. The ordinance shall become effect immediately upon adoption on second reading.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **10th** day of **September, 2024**, with all members of the Council present voting “aye” for passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the **24th** day of **September, 2024**, with all members of the Council present voting “aye” for the passage of same.

Robert H. Moore III, Mayor

ATTEST:

Tami L. Davis, City Secretary



INTEROFFICE MEMORANDUM

Date: September 17, 2024
To: Mayor Robert H. Moore and Big Spring City Council Members
From: Albert Belez, Purchasing Agent
Subject: Award Bid - Downtown Janitorial Services

Expenditure amount requested:	Estimated cost of \$48,486
What fund/department account will this amount be drawn from?	General Fund/CVB, Utilities, City Hall, Water Office
Revenue generated:	N/A
Would this expenditure be made within the budget for the current fiscal year?	No
Does this commit the City to spending funds beyond the current fiscal year? Explain.	No
Difference in cost vs. current cost	There would be no change from last year.

We received 4 (four) formal bids. Evans Janitorial submitted a bid in the amount of \$45,540. Squeaky Clean, LLC submitted a bid in the amount of \$62,000. Everything Under the Sun, LLC submitted a bid in the amount of \$96,239.52. Manny's Janitorial Service, LLC submitted a bid in the amount of \$ 48,486.

Selection Committee Selection: The bid packets had a scoring matrix that consisted of price, experience, past performance, estimated time for completion, ability to perform and completeness of the RFB. Staff members from Human Resources, Public Works, CVB and Finance scored the submitted bids. After the submissions were scored, it was determined that Manny's Janitorial would be the best response bidder.

Staff recommendation: It is our recommendation to award the bid for downtown janitorial services to Manny's Janitorial Service in the amount of \$48,486.

Dora Roberts Rehabilitation Center

LETTER OF DONATION

The Board of Directors of the Dora Roberts Rehabilitation Center is committed to promoting inclusivity, accessibility, and the well-being of all community members. We believe that supporting the creation of a gym facility for our first responders aligns with this mission and is a worthy endeavor.

Our organization has long been dedicated to improving the lives of individuals and we look forward to partnering with the City of Big Spring to help establish this facility. In support of this effort, we are pleased to donate 13 pieces of Freemotion selectorized exercise equipment, along with a one-time cash donation of \$160,250.96. These funds are intended to assist in the purchase and installation of additional fitness equipment and gym flooring.

Our first responders—firefighters, police officers, and emergency medical personnel—work tirelessly to ensure the safety and well-being of our community. Their commitment and bravery are truly commendable, and it is essential that we support their physical health and fitness, which are crucial for their demanding roles. We believe that providing them with a well-equipped and safe environment for physical training will not only improve their fitness but also boost their morale and overall well-being.

We designate that the funds can be used for:

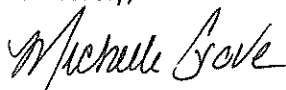
- Purchase, delivery, and installation of Fitness Equipment
- Purchase, delivery, and installation of Gym Flooring

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

The Dora Roberts Rehabilitation Center Board of Directors is eager to collaborate with the City of Big Spring on this impactful project, continuing our commitment to enhancing the lives of all community members.

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

Sincerely,



Michelle Grove
Executive Director



Memorandum

To: Honorable Mayor, City Council, and City Manager

From: Chad Williams, Chief of Police

Date: September 19, 2024

Subject: Permission to Accept Donation from Surge Energy

The Big Spring Police Department extends its heartfelt gratitude to Surge Energy for their generous donation of a Prowler Edition Club Car. This UTV will significantly enhance our ability to effectively manage events where traditional vehicles may not be practical, such as Pops in the Park, Blowout at the Bunker, and parades. Equipped with emergency lights, a siren, and street-legal features, this vehicle is valued at \$21,892.85.

We are deeply appreciative of Surge Energy's support and are seeking City Council's authorization to accept this valuable contribution. Your thoughtful consideration of this request is greatly appreciated.



COMMUNITY SERVICES MEMORANDUM

Date: 09/12/2024
To: Mayor and City Council
Todd Darden, City Manager
From: James Womble, Tourism Coordinator
Subject: Event Funding Request

We are respectfully requesting the City Council to approve the staff recommendation of \$8,000 for event funding for the Howard College Basketball Classic hosted by Howard College to take place at Dorothy Garrett Coliseum on December 6-8, 2024. This is the third time, the last request was in 2023, for Howard College Basketball Classic from the CVB and they bring in around 108 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 \$52,200 for the remainder of the fiscal year.

CVB Event Funding - Cover Sheet

Event:	Howard College Men's Basketball Classic
Event Date:	12/6-12/8/2024
Sponsoring Organization:	Howard College
Date Request Received:	9/3/2024
Amount Requested:	\$9,000.00
Staff Recommendation	\$8,000.00
Action:	
Estimated Hotel Rooms on Application:	108
Hotel Rooms on Previous Year:	108

5 Year Requests

Date Requested	Event Date	\$ Funded	Follow Up	Profit/Loss	Hotel Rooms
9/17/2015	11/13-14/15	\$4,560.00	11/17/2015	-44.99	26
9/12/2023	12/1-2/2023	\$4,500.00	12/6/2023	-6,500.00	30

Previous Requests

Date Requested	Event Date	\$ Funded	Date Approved	Follow-up	\$ Returned
7/23/2013	11/16-17/2013	\$2,200.00	8/9/2013	11/21/2013	n/a

Event Funding --DATE--

Event	Hotel Rooms	\$150	50% of Hotel Revenue	Advertising	Total	Requesting	Staff Recommendation
EVENT NAME	108	\$16,200.00	\$8,100.00	\$0.00	\$8,100.00	\$9,000.00	\$8,000.00
Howard College Classic 2024							
			Event Funding:	Advertising:			\$8,000.00
Howard College Classic 2024			\$0.00	\$0.00			

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



MEMORANDUM

To: Mayor Robert H. Moore, III, and Members of the Big Spring City Council
CC: Todd Darden, City Manager
From: Shane Bowles, Public Works Director
Date: Tuesday, September 20, 2024
Subject: Dixon Drainage Easement

Action Requested: Authorizing the City Manager to execute a drainage easement at 3909 Dixon for storm water

Background Information: Residents along Dixon have been experiencing storm water flooding due to heavy rains in this area. To aid city residents we need an additional easement to funnel stormwater out of the area and onto Dixon.

Financial Considerations:

Expenditure amount requested:	\$5,000
What fund/department account will this amount be drawn from?	Water Enterprise 405
Revenue generated:	N/A
Would this expenditure be made within the budget for the current fiscal year?	Yes
Does this commit the City to spending funds beyond the current fiscal year? Explain.	N/A

Staff recommendation: Staff are looking to obtain this easement for \$5,000 and construct a concrete stormwater drainage from the alley of 3909 Dixon to the street. Taking run off water from behind the houses in this area and directing the water towards Dixon St. without having to go through residents' backyards.



MEMORANDUM

To: Mayor Robert H. Moore, III, and Members of the Big Spring City Council
CC: Todd Darden, City Manager
From: Shane Bowles, Public Works Director
Date: Tuesday, September 20, 2024
Subject: Golf Course Rates

Action Requested: Approve an Ordinance adjusting fees for the Comanche Trails Golf Course

Background Information: The City of Big Spring has completed a price comparison with surrounding municipal golf courses and has compared our rates to justify a fee adjustment.

Staff recommendation: Staff are looking to update our current rate structure at the Comanche Trails Golf Course, to provide enough funding to keep up the only golf course in Howard County and surrounding areas. This additional funding will not only help maintain our existing course, but aid in future capital projects needed on the course. By comparing our fees with the surrounding area, we have found we are below the average on our annual fees by 30% to 40%. This adjustment would bring us back to advent.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS AMENDING CHAPTER 40 OF THE BIG SPRING CITY CODE ENTITLED “PARKS, RECREATION AND CULTURAL AFFAIRS,” ARTICLE VII “COMANCHE TRAIL GOLF COURSE,” SECTION 40-234 ENTITLED “GOLF COURSE FEES,” BY ADJUSTING GOLF COURSE FEES AND SECTION 40-235 ENTITLED “TOURNAMENTS” BY ADJUSTING TOURNAMENT FEES; 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.

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

SECTION 1. The Big Spring City Code, Chapter 40 entitled “Parks, Recreation and Cultural Affairs,” Article VII entitled “Comanche Trail Golf Course,” Sections 40-234 and 40-235, are hereby amended in part as follows:

Sec. 40-234. Golf course fees.

The following fees shall be paid for the use of the municipal golf course:

(1) *Daily green fees:*

Weekday	\$25.00-\$27.00
Weekday—Senior citizen age 65 or over	\$20.00-\$22.00
Weekday—Junior golfer (17 or younger)	\$15.00-\$17.00
Weekend and holiday	\$30.00 \$32.00

Twilight discount—A 50 percent discount to all daily green fees applies if play starts after 4:00 p.m. during daylight saving time or after 3:00 p.m., during any period when daylight savings time is not in effect.

(2) *Annual green fees:*

- a. May be purchased anytime of the year at the golf course.

~~Annual green fees shall run from April 1st through March 31st of each year and shall permit unlimited play. No annual green fees shall be sold after April 10th except in conjunction with initial applications for annual memberships received after April 10th in which case the fees may be prorated for the months remaining in the annual membership. Junior Golf Team Memberships that are purchased through the school shall be valid beginning September 1st of the school year and~~

expire August 31 the following year. This includes the use of the driving range during class times but only while under the instruction of a coach.

Individual	\$850.00 <u>\$1200.00</u>
Individual—Senior (65 years of age or older)	\$675.00 <u>\$900.00</u>
Individual—Junior (17 or younger)	\$165.00 <u>\$200.00</u>
Individual—Junior Golf Team	\$165.00 <u>\$200.00</u>
Family	\$1,400.00 <u>\$1,800.00</u>
Family—Senior (65 or older)	\$1,200.00 <u>\$1,400.00</u>

- b. Definitions. The following words, terms and phrases, when used in this subsection (2), shall have the meanings ascribed to them in this subsection (2)b, except where the context clearly indicates a different meaning:

Family play is a family membership defined as four members of a family living in the same household.

Unlimited play means that a golfer can play on the course anytime it is open for business and he or she has a scheduled- tee time. Please note that when tournaments are scheduled, the course is not considered open for business.

(3) *Shed fees:*

Annual cart shed rental	\$540.00 <u>\$720.00</u>
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- a. All golf cart sheds shall be rented on an annual basis only. The rental period will be in effect from October 1 through September 30 of each year. Cart shed rental fees become delinquent on October 10.
- b. All cart shed renters must have a current annual membership and a current annual trail fee in the cart shed renter's name.

- (4) *Cart trail fees:* There shall be a privilege fee assessed for the use of private carts on Comanche Trail Municipal Golf Course. This amount is payable by either an annual or daily fee. ~~The annual private cart privilege fee shall be in effect from April 1 through March 31 of each year. Private cart privilege fees shall be delinquent on April 10.~~

Annual private cart fee	\$300.00
(Must have a current annual membership)	
Daily private cart fee	\$12.50 for 1 rider
	\$25.00 for 2 riders

- (5) *Miscellaneous:* For the purposes of this subsection only: "retiree" or "retirees" shall be limited to those former employees who retired from the City of Big Spring with each of

the following: a service retirement with the City of Big Spring, and 20 years of service or more with the City of Big Spring.

- a. Annual green fees for city employees and retirees shall be \$185.00 annually. This fee will allow the employee or retiree and one designated family member living in the same household to play the course.
- b. Golf course employees are not subject to green fees.
- c. The city manager, or his designee, may grant reciprocal course courtesy agreements to visiting golf professionals and/or superintendents.

(6) *Driving range fees:*

- a. The driving range fees shall be as follows:

Large bucket of range balls (around 75 balls)	\$6.00
Small bucket of range balls (around 45 balls)	\$4.00

Annual driving range fee	\$250.00
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(This is for 12 months of unlimited usage of the driving range along with an unlimited supply of driving range balls with the provision that all balls and buckets will remain the property of the city golf course.)

Sec. 40-235. Tournaments.

Tournaments shall be permitted at the Comanche Trail Golf Course under the following rules:

- (a) Each tournament must be approved by the golf course superintendent at least 60 days prior to the requested tournament date;
- (b) Shotgun starts shall only be permitted for tournaments with at least 60 participants, except as stated in subsection (c);
- (c) Tournaments with less than 60 participants shall be required to schedule tee times at least ten minutes apart. A shotgun start for a tournament of less than 60 participants shall be permitted only if the participants have paid the 60 participant fee minimum; in the event that the tournament has more than 60 participants, the fee will be reduced to \$40 per round of golf played.
- (d) All participants in any tournament will be required to pay all fees associated with normal use of the golf course. Participants in school sponsored tournaments will be charged the junior twilight fee, regardless of when the tournament is held;

- (e) The golf course superintendent shall decide all regulations for tournaments, and shall have the power to schedule any tournament, and to deny any tournament request; and
- (f) Those denied a tournament or are aggrieved by a tournament schedule or regulation by the golf course superintendent may appeal to city council by written request to the city secretary, which shall have the power to waive subsections (a) and (e) by resolution for a particular tournament.

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

SECTION 2. All provisions of any ordinance, rule, regulation, or order of the City in conflict with this Ordinance are hereby repealed to the extent they are in conflict.

SECTION 3. 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 4. 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 5. This Ordinance is ordered to be codified.

SECTION 6. This Ordinance shall become effective upon its second publication according to law.

SECTION 7. 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 **24th** day of **September, 2024** 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 **8th** day of **October, 2024** with all members of the Council voting “aye” for the passage of same.

Robert H. Moore III, Mayor

ATTEST:

Tami L. Davis, City Secretary