



# CITY COUNCIL AGENDA

NOTICE IS GIVEN THAT THE CITY COUNCIL OF THE CITY OF LAMESA, TEXAS, WILL MEET IN A REGULAR SCHEDULED MEETING AT 5:30 P.M. ON TUESDAY, DECEMBER 15, 2015, 601 SOUTH FIRST STREET, FOR THE PURPOSE OF CONSIDERING AND TAKING OFFICIAL ACTION ON THE FOLLOWING ITEMS:

1. **CALL TO ORDER:**
2. **INVOCATION:**
3. **CONSENT AGENDA:** All consent agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda. Information concerning consent agenda items is available for public review.
  - a. **APPROVAL OF THE MINUTES:** Approval of the minutes of the council meetings held on November 17, 2015 and November 23, 2015.
  - b. **BILLS FOR NOVEMBER 2015:** Approval of the bills paid by the City of Lamesa for the months of November, 2015.
4. **TEXAS HOUSING FOUNDATION RESOLUTION AND AUTHORIZING COOPERATION AGREEMENT:** Consider a resolution authorizing the Texas Housing Foundation to exercise its powers within the territorial boundaries of the City of Lamesa, Texas; and authorizing a cooperation agreement.
5. **RE-APPOINTMENT – SOUTH PLAINS PUBLIC HEALTH DISTRICT:** Consider re-appointing Shawna Burkhart to the South Plain Public Health District for a two (2) year term ending on December 2017. (*Ms. Burkhart term expires December 2015. Ms. Burkhart has agreed to serve.*)
6. **APPOINTMENT – ELECTRICAL BOARD MEMBERS:** Consider appointing Jim Clements and Joey Rivas to the Electrical Board, for a two (2) year term ending on December 2016. (*All terms expired December 2014. Mr. Clements and Mr. Rivas has agreed to serve.*)
7. **APPOINTMENT – CITY SECRETARY/CITY TREASURER:** Consider appointing Norma Garcia as City Secretary / City Treasurer of the City of Lamesa.
8. **2016 LIVESTOCK PERMIT RENEWALS:** Consider renewal of livestock permits.
  - **Landfill Tract:** (Landfill property) for keeping 20 cattle and 3 donkeys upon application of Rodney Oaks.
  - **1006 South East 8<sup>th</sup> Street:** for keeping 4 horses and 1 donkey upon application of Steven Alexander.
  - **1708 South 8<sup>th</sup>:** for keeping 6 goats or 3 calves upon application of Keith Carter
9. **REQUEST FOR WAIVER OF LANDFILL FEES – 1609 N. 2nd:** Consider taking action to waive landfill tonnage fees for the tear down of a dilapidated structure at 1609 N. 2<sup>nd</sup>.
10. **PUBLIC HEARING FOR SPECIFIC USE PERMIT – 1001 SOUTH 6<sup>TH</sup> STREET:**
11. **REQUEST FOR SPECIFIC USE PERMIT – 1001 SOUTH 6<sup>TH</sup> STREET:** Consider passing an ordinance allowing a Specific Use Permit at 1001 South 6th Street for Residential rental for the front of the property and a Plasma Cutting Shop at the rear of the property for the following property: ALL OF LOT 1 IN BLOCK 19 OF THE LEE ADDITION TO the City of Lamesa, Dawson County, Texas.

**12. PUBLIC HEARING FOR SPECIFIC USE PERMIT – 707 SOUTH AVENUE I:**

**13. REQUEST FOR SPECIFIC USE PERMIT – 707 SOUTH AVENUE I:** Consider passing an ordinance allowing a Specific Use Permit at 707 South Avenue I for *Metalogic Shop's* material storage for the following property: ALL OF LOT 7 AND THE WEST ONE-HALF OF LOT 8 BLOCK 18 OF THE LEE ADDITION TO the City of Lamesa, Dawson County, Texas.

**14. LYNTEGAR ELECTRIC COOPERATIVE, INC. FRANCHISE AGREEMENT:** Consider passing and Ordinance on second reading approving a five year franchise agreement with Lyntegar Electric Cooperative, Inc.

**15. SALE OF LAND TO TXDOT FOR RIGHT OF WAY ACQUISITION:** Consider passing an Ordinance on second reading accepting State of Texas offer to purchase city property for State Highway Right of Way for the following property: Being 10.5347 acres of land located in Section 18, Block 35, Township 5 North of the Texas and Pacific Railway Company Survey, Dawson County, Texas, being out of a tract of land (Tract1) described in deed to City of Lamesa, recorded in Volume 555, Page 299 of the Dawson County Official Public Records (D.C.O.P.R.), said 10.5347 acres of land being more particularly described in Exhibit A.

**16. DISCUSSION OF STRATEGIC PLANNING SERVICES:** Discussion of issuing a new Request for Qualifications for Strategic Planning Services.

**17. POLICY ON CONCEAL CARRY AND/OR OPEN CARRY OF HAND GUNS ON CITY OWNED PROPERTIES PER NEW TEXAS LEGISLATION:**

**18. UTILITIES DIRECTOR REPORT:** Utilities Director to report on the city's recent events:

- a. Ground Storage Tank and Main Repairs
- b. Roundtree Water Chlorination

**19. FINANCIAL REPORT:** Finance Director to report on the city's finances.

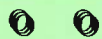
**20. CITY MANAGER REPORT:** City Manager to report on current activities and answer questions from the City Council.

- Northland Communication correspondence
- Update on Atmos Energy correspondence

**21. EXECUTIVE SESSION:** Council to consider convening into closed executive session regarding Deliberation Regarding Real Property; A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person with the provisions of the Texas Open Meetings Act (Chapter 551.72 Texas Government Code). No action will be taken in closed session. The Council will reconvene into open session after the completion of the executive session.

- a. Ave Q (old school property)

**22. ADJOURNMENT:**




## Open Meetings Information



### CLOSED MEETINGS

The City Council reserves the right to adjourn into closed session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).

### PUBLIC PARTICIPATION

 The meeting will be held pursuant to the provisions of the Texas Open Meetings Act (Govt. Code, Chapter 551). Discussion and actions are limited to the agenda items listed above. Persons desiring to address the City Council or express their opinion about a particular item on this agenda should notify the City Secretary/City Manager before the meeting. Persons desiring to present other business or discuss matters not on this agenda should submit a request in writing to the City Secretary/City Manager by the end of business hours on the Wednesday before the next meeting in order to be considered for inclusion on that agenda.

### MEETING ACCESSIBILITY

Upon request, auxiliary aids and services will be provided to an individual with a disability in order to allow them to effectively participate in the city council meeting. Those requesting auxiliary aids or services should notify the contact person listed below at least twenty-four hours prior to the meeting by mail, telephone or RELAY Texas (1-800-735-2989)

**Contact: Norma Garcia at 806-872-4322**

✉ 601 South First Street, Lamesa, Texas 79331

☎ **Telephone - (806) 872-4322**

☎ **Fax - (806) 872-4338**

### CERTIFICATION OF NOTICE

I certify this agenda was posted at the City Hall, 601 South First Street, Lamesa, Texas at **4:45 p.m., December 11<sup>th</sup>, 2015** in accordance with Chapter 551.041 of the Government Code.

Norma Garcia, City Secretary



# **City Council Agenda**

## **City of Lamesa, Texas**

**DATE OF MEETING: DECEMBER 15, 2015**

**AGENDA ITEMS: 1 & 2**

1. **CALL TO ORDER:** *Announcement by the Mayor.* "This meeting is being held in accordance with the provisions of the Texas Open Meetings Act (Govt. Code, Chapter 551). Discussion and actions are limited to the agenda items as posted. Persons desiring to address the City Council or express their opinion about a particular item on this agenda should complete a request at this time. Persons desiring to present other business or discuss matters not on this agenda should submit a request in writing to the City Secretary in order to be considered for inclusion on the agenda of the next meeting. A quorum being present as evidenced by the presence of \_\_\_\_ members of the City Council, this meeting is hereby called to order."

The following members are present:

DAVE NIX	Mayor
JOSH STEVENS	Council Member – District 1
MARIE A. BRISENO	Mayor Pro-tem/Council Member – District 2
FABIAN RUBIO	Council Member – District 3
BOBBY G. GONZALES	Council Member - District 4
FRED VERA	Council Member – District 5
CHANCE BRITT	Council Member – District 6

City Staff members present at the meeting:

SHAWNA D. BURKHART	City Manager
VACANT	City Secretary
RUSSELL CASSELBERRY	Attorney

Members of the press present at the meeting:

Members of the public present at the meeting:

2. **INVOCATION:**  
**AND PLEDGE OF ALLEGIANCE.**





# **City Council Agenda**

## **City of Lamesa, Texas**

**DATE OF MEETING: DECEMBER 15, 2015**

**AGENDA ITEM: 3**

SUBJECT: **CONSENT AGENDA ITEMS**  
PROCEEDING: Approval  
SUBMITTED BY: City Staff

### **SUMMARY STATEMENT**

All consent agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda. Information concerning consent agenda items is available for public review.

- a. **APPROVAL OF THE MINUTES:** Approval of the minutes of the council meetings held on November 17, 2015 and November 23, 2015.
- b. **BILL FOR NOVEMBER 2015:** Approval of the bills paid by the City of Lamesa for the month of November, 2015.

### **COUNCIL ACTION**

**DISCUSSION** \_\_\_\_\_

Motion by Council Member \_\_\_\_\_ to approve Item 3a & b. Motion seconded by Council Member \_\_\_\_\_ and upon being put to a vote the motion \_\_\_\_\_.

**VOTING:** "AYE" \_\_\_\_\_ "NAY" \_\_\_\_\_ "ABSTAIN" \_\_\_\_\_

### **CITY MANAGER'S MEMORANDUM**

These items are considered non-controversial but do require formal council approval. If a council member objects to a consent item, it is removed from the list and separate action is taken on the item(s). If a council member questions a consent item, but not so strongly as to require that it be removed from the list, his/her "no" vote or abstention can be entered in the minutes when the consent vote is taken. **Recommend approval.**

THE STATE OF TEXAS X  
COUNTY OF DAWSON X  
CITY OF LAMESA X

**MINUTES OF THE CITY COUNCIL REGULARLY CALLED MEETING:**  
**November 17, 2015**

On this the 17th day of November, 2015, at 5:33 P.M. there came on and was held a regularly called meeting of the City Council of the City of Lamesa, Dawson County, Texas. Notice of such meeting having been posted at the City Hall at 601 South First Street in the City of Lamesa, Texas in accordance with the provisions of the Texas Open Meetings Act (Texas Govt. Code, Chapter 551). The following items were listed on the notice and the following proceedings were had, viz.:

**CALL TO ORDER:** Mayor Nix announced that the meeting was being held in accordance with the provisions of the Texas Open Meetings Act (Texas Govt. Code, Chapter 551), and that discussion and actions are limited to the agenda items as posted. A quorum being present as evidenced by the presence 6 the Council Members were present:

	DAVE NIX	MAYOR
	MARIE BRISENO	COUNCIL MEMBER – DISTRICT 2
	JOSH STEVENS	MAYOR PRO-TEM /COUNCIL MEMBER – DISTRICT 1
ABSENT	FABIAN RUBIO	COUNCIL MEMBER – DISTRICT 3
	BOBBY G. GONZALES	COUNCIL MEMBER – DISTRICT 4
	FRED VERA	COUNCIL MEMBER – DISTRICT 5
	CHANCE BRITT	COUNCIL MEMBER – DISTRICT 6

**City staff members present at the meeting:**

SHAWNA D. BURKHART	CITY MANAGER
VACANT	CITY SECRETARY
RUSSELL CASSELBERRY	CITY ATTORNEY

**Members of the public present at the meeting:**

Herrel Hallmark	Wayne Smith	Wayne Chapman	Leticia Dimas
Irma Ramirez	Robert Ramirez	Sandy Trevino	Chris Norris
Joey Rivas	Barry Pittman	Blake Moore	Julia Perschnick
Ronnie Angeley	Shelly Harris	Scott Leonard	Nathan Tafoya
Jim Clements	Victor Dimas	Sylvia Dimas	Robert Duron
Tommy Arguijo	John Farris		

Invocation was given by Shawna D. Burkhart.

**APPOINTMENT – LAMESA ECONOMIC ALLIANCE PROJECT MEMBER:** Consider making an appointment to the Lamesa Economic Alliance Project, for a two (2) year term ending on December 2017.

**Nomination of Mr. Dave Bhakta by Mayor for appointment to the Lamesa Economic Alliance Project.**

Motion by Council Member Stevens to cease nominations and to make appointment of Mr. Dave Bhatka to serve on the Lamesa Economic Alliance Project for a two (2) year term ending December 2017. Seconded by Council Member Gonzales and upon being put to a vote the motion passed.

VOTING: "AYE" 6 "NAY" 0 "ABSTAIN" 0

**RE-APPOINTMENT – LAMESA MUNICIPAL GOLF ADVISORY BOARD MEMBER:** Consider re-appointing Mario Dimas to the Lamesa Municipal Golf Advisory Board, for a four (4) year term ending on December 2019.

Motion by Council Member Stevens to re-appoint Mr. Mario Dimas to the Lamesa Municipal Golf Advisory Board for a four (4) year term ending December 2019. Seconded by Council Member Britt and upon being put to a vote the motion passed.

VOTING: "AYE" 6 "NAY" 0 "ABSTAIN" 0

**RE-APPOINTMENT – LAMESA MUNICIPAL GOLF ADVISORY BOARD MEMBER:** Consider re-appointing John Weatherman to the Lamesa Municipal Golf Advisory Board, for a four (4) year term ending on December 2019.

Motion by Council Member Vera to re-appoint Mr. John Weatherman to the Lamesa Municipal Golf Advisory Board for a four (4) year term ending December 2019. Seconded by Council Member Gonzales and upon being put to a vote the motion passed.

VOTING: "AYE" 6 "NAY" 0 "ABSTAIN" 0

**RE-APPOINTMENT – ELECTRICAL BOARD MEMBER(S):** Consider re-appointing Mike Johnson, Hector Cantu, Ken Wiley, Robert Borella and Emial Douglas to Electrical Board, for a two (2) year term ending on December 2016.

**Motion by Council Member Gonzales to re-appoint Mike Johnson, Hector Cantu, Ken Wiley, Robert Borella and Emial Douglas to Electrical Board, for a two (2) year term ending on December 2016. Seconded by Council Member Britt and being put to a vote the motion passed (merging agenda items 15-19).**

VOTING: "AYE" 6 "NAY" 0 "ABSTAIN" 0

**RE-APPOINTMENT – DAWSON COUNTY CENTRAL APPRAISAL DISTRICT MEMBER:** Consider re-appointing Jerry Don Adams to the Dawson County Central Appraisal District Board, for a two (2) year term ending on December 2017.

Motion by Council Member Motion by Council Member Britt to re-appoint Jerry Don Adams to the Dawson County Central Appraisal District Board, for a two (2) year term ending on December 2017. Seconded by Council Member Gonzales and being put to a vote the motion passed

VOTING: "AYE" 6 "NAY" 0 "ABSTAIN" 0

Consider re-appointing Arthur Pedroza and Wayne Smith to the Lamesa-Dawson County Museum Association Board, for a three (3) year term ending on December 2018.

VOTING: "AYE" 6 "NAY" 0 "ABSTAIN" 0

VOTING: "AYE" 6 "NAY" 0 "ABSTAIN" 0

VOTING: "AYE" 6 "NAY" 0 "ABSTAIN" 0

VOTING: "AYE" 6 "NAY" 0 "ABSTAIN" 0



**WEST TEXAS OPPORTUNITIES - RENEWAL LEASE AGREEMENT:** Consider passing a resolution approving and authorizing the Mayor to enter into a lease agreement with West Texas Opportunities, Inc. for the Head Start Facility at South East 14th Street and Detroit Ave.

Motion by Council Member Stevens to approve a resolution authorizing the Mayor to enter into a lease agreement with West Texas Opportunities, Inc. for the Head Start Facility at South East 14th Street and Detroit Ave. Seconded by Council Member Britt and upon being put to vote the motion passed.

VOTING:     "AYE" 6                    "NAY" 0                    "ABSTAIN" 0

**AWARD TXDOT AWOS BID FOR LAMESA-DAWSON COUNTY MUNICIPAL AIRPORT:** Consider awarding TxDOT AWOS Bid to best bid for project.

The bid was opened during the City Council meeting by Mayor Nix. One bid was received from Vaisala Inc. of Louisville, CO for a base bid of \$132,160 and an alternate bid of \$149,461 that included present weather sensor, thunder strike alert and an upgrade to the ultra-sonic wind sensor. Mayor Nix requested John Farris to review the bid for completeness and make recommendation. John Farris made recommendation to accept the alternative bid of \$149,461.

Motion by Council Member Vera to approve awarding TxDOT AWOS bid to Vaisala Inc. for \$149,461. Motion seconded by Council Member Gonzales and upon being put to a vote the motion passed.

VOTING:     "AYE" 6                    "NAY" 0                    "ABSTAIN" 0

**SALE OF LAND TO TXDOT FOR RIGHT OF WAY ACQUISITION:** Consider passing an Ordinance on first reading accepting State of Texas offer to purchase city property for State Highway Right of Way for the following property: Being 10.5347 acres of land located in Section 18, Block 35, Township 5 North of the Texas and Pacific Railway Company Survey, Dawson County, Texas, being out of a tract of land (Tract1) described in deed to City of Lamesa, recorded in Volume 555, Page 299 of the Dawson County Official Public Records (D.C.O.P.R.), said 10.5347 acres of land being more particularly described in Exhibit A.

City Council discussed with TxDOT Representative Shelly Harris and Right of Way Agent Robert Duran with *CobbFendley* their objections to a stop sign at the intersection of state highway 349 and state highway 87 based on numerous car wrecks and deaths at the intersection. City Council requested that their objections be shared with TxDOT planners and engineers.

Motion by Council Member Stevens to approve on first reading and Ordinance accepting State of Texas offer to purchase city property for State Highway Right of Way for the following property: Being 10.5347 acres of land located in Section 18, Block 35, Township 5 North of the Texas and Pacific Railway Company Survey, Dawson County, Texas, being out of a tract of land (Tract1) described in deed to City of Lamesa, recorded in Volume 555, Page 299 of the Dawson County Official Public Records (D.C.O.P.R.), said 10.5347 acres of land being more particularly described in Exhibit A. Seconded by Britt and upon being put to a vote the motion passed.

VOTING:     "AYE" 6                    "NAY" 0                    "ABSTAIN" 0

**LEASE PURCHASE OF GARBAGE TRUCK FOR SOLID WASTE OPERATIONS:** Consider approving Lease Purchase Agreement for a new 2016 GU713 MAC truck with CL8100 refuse side loader from BTE Body Company and MACK Trucks Inc. (*HGAC state contract pricing*).

Motion by Council Member Vera to approve Lease Purchase Agreement for a new 2016 GU713 MAC truck with CL8100 refuse side loader from BTE Body Company and MACK Trucks Inc. (*HGAC state contract pricing*). Seconded by Council Member Britt and upon being put to a vote the motion passed.

VOTING: "AYE" 6 "NAY" 0 "ABSTAIN" 0

**AWARD EMPLOYEE HEALTH INSURANCE:** Discuss and consider approving the award of FY 2015/2016 health insurance bid as recommended by Cris Norris, City's Health Insurance consultant.

Motion by Council Member Vera to approve the recommendation of Cris Norris of the Henry Norris Agency for the City's Health Insurance plan with the \$2,000 deductible for employee only plan. Seconded by Council Member Britt and being put to a vote the motion passed.

VOTING: "AYE" 6 "NAY" 0 "ABSTAIN" 0

**AWARD STRATEGIC PLANNING:** Discuss strategic planning process, review Request for Qualification (RFQ) 2014 submittals and award contract subject to confirmation of contract pricing.

City Council gave City staff direction to inquire with Johnson & Associates to see if they would honor their price of last year's bid and bring back on the December City Council agenda. No City Council action taken.

**LOGO DESIGN FOR S. 8<sup>TH</sup> WATER TOWER:** Consider action on choosing logo design for S. 8<sup>th</sup> Water Tower.

No City Council action taken.

**UTILITIES DIRECTOR REPORT:** Utilities Director reported on the city's recent events:

- a. Prison Water Tower and Ground Storage Tank Repairs – Powerpoint presentation provided.
- b. Coliform Letter Sent to Lamesa Residents in October.

**FINANCIAL REPORT:** Finance Director provided report on the city's finances.

**CITY MANAGER REPORT:** City Manager to report on current activities and answer questions from the City Council.

- a. City Hall Christmas Open House – December 11, 2015 from 11 a.m. to 4 p.m.

**EXECUTIVE SESSION:** Council to consider convening into closed executive session regarding personnel matters and review of City Secretary applications in accordance with the provisions of the Texas Open Meetings Act (Chapter 551.71 Texas Government Code). No action will be taken in closed session. The Council will reconvene into open session after the completion of the executive session.

- Interview/Selection Process of City Secretary position.

Motion by Council Member Stevens to convene in closed executive session in accordance with the provisions of the Texas Open Meetings Act to discuss and consider personnel matters. Motion seconded by Council Member Gonzales and upon being put to a vote the motion passed.

VOTING:                    "AYE" 5            "NAY" 0            "ABSTAIN" 0

**ADJOURNMENT:** Mayor Nix announced that the next regular meeting of the City Council of the City of Lamesa, Texas would be held on December 15, 2015. Persons desiring to present business to the City Council at that meeting are directed to submit a request in writing to the City Manager by Wednesday, December 9, 2015 in order to be included on the agenda. There being no other business, the meeting was adjourned.

Pursuant to the provisions of the Texas Open Meetings Act, the City Council certifies that the items above are a full record of the subject matter of each deliberation and indicates each vote, order, decision or other action taken by the City Council of the City of Lamesa, Texas at the meeting held on the date indicated above. Ratified and approved at the regular meeting of the City Council of the City of Lamesa, Texas held on December 15, 2015.

ATTEST:

APPROVED:

\_\_\_\_\_  
Shawna D. Burkhart  
City Manager

\_\_\_\_\_  
Dave Nix  
Mayor

THE STATE OF TEXAS }  
COUNTY OF DAWSON }  
CITY OF LAMESA }

**MINUTES OF THE CITY COUNCIL REGULARLY CALLED MEETING:  
November 23, 2015**

On this the 23th day of November, 2015, at 6:02 P.M. there came on and was held a Special Called meeting of the City Council of the City of Lamesa, Dawson County, Texas. Notice of such meeting having been posted at the City Hall at 601 South First Street in the City of Lamesa, Texas in accordance with the provisions of the Texas Open Meetings Act (Texas Govt. Code, Chapter 551). The following items were listed on the notice and the following proceedings were had, viz.:

**CALL TO ORDER:** Mayor Nix announced that the meeting was being held in accordance with the provisions of the Texas Open Meetings Act (Texas Govt. Code, Chapter 551), and that discussion and actions are limited to the agenda items as posted. A quorum being present as evidenced by the presence 5 the Council Members were present:

	DAVE NIX	MAYOR
	MARIE BRISENO	COUNCIL MEMBER – DISTRICT 2
	JOSH STEVENS	MAYOR PRO-TEM/COUNCIL MEMBER
		DISTRICT 1
ABSENT	FABIAN RUBIO	COUNCIL MEMBER – DISTRICT 3
	BOBBY G. GONZALES	COUNCIL MEMBER – DISTRICT 4
	FRED VERA	COUNCIL MEMBER – DISTRICT 5
ABSENT	CHANCE BRITT	COUNCIL MEMBER – DISTRICT 6

City staff members present at the meeting:

SHAWNA D. BURKHART	CITY MANAGER
VACANT	CITY SECRETARY
IRMA RAMIREZ	CITY PERSONNEL DIRECTOR

**EXECUTIVE SESSION:** Council to convene in closed executive session regarding review of City Secretary applications in accordance with the provisions of the Texas Open Meetings Act (Chapter 551.074 Government Code) to consider personnel matters.

Motion by Council Member Josh Stevens to go into Executive Session. Motion seconded by Council Member Bobby Gonzales and upon being put to a vote the motion passed.

VOTING:                      "AYE" 5                      "NAY" 0                      "ABSTAIN" 0

City Council reconvened in Open Session at 6:40 PM.

**APPOINTMENT OF CITY SECRETARY:** City Council to consider taking action regarding the appointment of City Secretary.

Motion by Council Member Fred Vera to make an offer of employment to Ms. Norma Garcia for the City Secretary position at \$38,000 per year. Motion seconded by Council Member Bobby Gonzales and upon being put to a vote the motion passed.

VOTING:                      "AYE" 5                      "NAY" 0                      "ABSTAIN" 0

**ADJOURNMENT:** Mayor Nix announced that the next regular meeting of the City Council of the City of Lamesa, Texas would be held on December 15, 2015. Persons desiring to present business to the City Council at that meeting are directed to submit a request in writing to the City Secretary by Wednesday, December 9, 2015 in order to be included on the agenda. There being no other business, the meeting was adjourned.

Pursuant to the provisions of the Texas Open Meetings Act, the City Council certifies that the items above are a full record of the subject matter of each deliberation and indicates each vote, order, decision or other action taken by the City Council of the City of Lamesa, Texas at the meeting held on the date indicated above. Ratified and approved at the Special Called meeting of the City Council of the City of Lamesa, Texas held on November 23, 2015.

ATTEST:

APPROVED:

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Shawna D. Burkhardt  
City Manager

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Dave Nix  
Mayor



12-10-2015 4:58 PM

## DETAIL LISTING

PAGE: 1

FUND : 01 -GENERAL FUND

PERIOD TO USE: Nov-2015 THRU Nov-2015

DEPT : N/A

ACCOUNTS: 1001 THRU 1001

POST	DATE	TRAN #	REFERENCE	PACKET=====	DESCRIPTION=====	VEND	INV/JE #	NOTE	=====AMOUNT=====	=====BALANCE=====
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1001			CASH IN BANK							
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11/02/15	11/02	A89938	CHK: 187059	11062	DAWSON CO. LIBRARY	1611			630.00CR	630.00CR
11/02/15	11/02	A89939	CHK: 187060	11062	HENRY NORRIS AGENCY	3190			920.00CR	1,550.00CR
11/02/15	11/02	A89940	CHK: 187061	11062	SOUTH PLAINS PUBLIC HEAL	3730			2,455.22CR	4,005.22CR
11/02/15	11/02	A89941	CHK: 187062	11062	VOLUNTEER FIRE DEPARTMEN	4090			400.00CR	4,405.22CR
11/02/15	11/02	A89942	CHK: 187063	11062	DUYCK LARRY	5777			200.00CR	4,605.22CR
11/02/15	11/02	A89943	CHK: 187064	11062	HERNANDEZ, PATRICIO F	5804			200.00CR	4,805.22CR
11/02/15	11/02	A89944	CHK: 187065	11062	DALE ALWAN	5983			200.00CR	5,005.22CR
11/02/15	11/02	A89945	CHK: 187066	11062	BOB THOMAS	5984			200.00CR	5,205.22CR
11/02/15	11/02	A89948	CHK: 187068	11064	HENRY NORRIS AGENCY	3190			1,041.67CR	6,246.89CR
11/02/15	11/02	A89949	CHK: 187069	11064	JASON WILEY	6025			200.00CR	6,446.89CR
11/02/15	11/02	A89951	CHK: 187071	11065	CITY OF LAMESA HEALTH IN	5790			75,000.00CR	81,446.89CR
11/02/15	11/02	A89954	CHK: 187073	11066	TREVINO SANDY	5385			89.39CR	81,536.28CR
11/03/15	11/03	A90173	CHK: 187075	11075	EVARISTO AMBRIZ JR.	1			50.00CR	81,586.28CR
11/03/15	11/03	A90174	CHK: 187076	11075	BEVERLY BELOTE	1			50.00CR	81,636.28CR
11/03/15	11/03	A90175	CHK: 187077	11075	TOSHA MARIE CHAMBERS	1			200.00CR	81,836.28CR
11/03/15	11/03	A90176	CHK: 187078	11075	MISTIEGIL CAMPOS	1			50.00CR	81,886.28CR
11/03/15	11/03	A90177	CHK: 187079	11075	SUNNY N JONES	1			150.00CR	82,036.28CR
11/03/15	11/03	A90178	CHK: 187080	11075	SPIKE DYKES	1			200.00CR	82,236.28CR
11/03/15	11/03	A90179	CHK: 187081	11075	RAMIREZ, IRMA	5830			77.05CR	82,313.33CR
11/03/15	11/03	A90180	CHK: 187082	11075	TOMMY ARGUIJO	5988			366.07CR	82,679.40CR
11/03/15	11/03	A90181	CHK: 187083	11075	RUDY SAUSED A JR	6084			32.23CR	82,711.63CR
11/03/15	11/03	A90182	CHK: 187084	11075	DAVID S YOUNG	6121			410.54CR	83,122.17CR
11/03/15	11/03	A90184	CHK: 187086	11076	CANADIAN RIVER MUNICIPAL	1385			60,690.63CR	143,812.80CR
11/03/15	11/03	A90185	CHK: 187087	11076	DATA FLOW	1587			476.84CR	144,289.64CR
11/03/15	11/03	A90186	CHK: 187088	11076	TEXAS COMMISSION ON ENVI	3977			17,568.18CR	161,857.82CR
11/03/15	11/03	A90187	CHK: 187089	11076	WINDSTREAM COMMUNICATION	4460			1,685.44CR	163,543.26CR
11/03/15	11/03	A90189	CHK: 187091	11076	SALAZAR JANITORIAL SERVI	4610			900.00CR	164,443.26CR
11/03/15	11/03	A90190	CHK: 187092	11076	GREAT AMERICA FINANCIAL	5734			384.30CR	164,827.56CR
11/03/15	11/03	A90191	CHK: 187093	11076	SONIC EQUIPMENT, CO.	5796			27,534.99CR	192,362.55CR
11/03/15	11/03	A90192	CHK: 187094	11076	GDF SUEZ ENERGY RESOURCE	5905			46.49CR	192,409.04CR
11/03/15	11/03	A90193	CHK: 187095	11076	DLL FINANCE LLC	5958			1,771.16CR	194,180.20CR
11/03/15	11/03	A90194	CHK: 187096	11076	PNC EQUIPMENT FINANCE,LL	5960			805.70CR	194,985.90CR
11/03/15	11/03	A90195	CHK: 187097	11076	SOLENIS	6073			1,526.11CR	196,512.01CR
11/03/15	11/03	A90196	CHK: 187098	11076	ERICA UBEDA	6140			600.00CR	197,112.01CR
11/03/15	11/03	A90200	CHK: 187100	11077	CREATIVE INKS	5035			1,122.00CR	198,234.01CR
11/03/15	11/03	A90202	CHK: 187102	11079	DELTA OVERHEAD DOOR	6246			10,119.00CR	208,353.01CR
11/03/15	11/30	B49490	Misc 000002	08049	METER POSTAGE		JE# 019855		500.00CR	208,853.01CR
11/04/15	11/04	A90204	CHK: 000000	11080	INTERNAL REVENUE SERVICE	5832			31,976.81CR	240,829.82CR
11/04/15	11/04	A90206	CHK: 187104	11080	CAPROCK FEDERAL CREDIT U	1390			18,497.79CR	259,327.61CR
11/04/15	11/04	A90207	CHK: 187105	11080	CITY OF LAMESA	1465			978.23CR	260,305.84CR
11/04/15	11/04	A90208	CHK: 187106	11080	PAYROLL FUND	3270			65,886.00CR	326,191.84CR
11/04/15	11/04	A90209	CHK: 187107	11080	RAMOS, ANGELA F.	4940			102.93CR	326,294.77CR
11/04/15	11/04	A90210	CHK: 187108	11080	TX CHILD SUPPORT SDU	5634			334.15CR	326,628.92CR

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11/04/15	11/04	A90211	CHK: 187109	11080	TEXAS CHILD SUPPORT DISB	5811			184.62CR	326,813.54CR
11/04/15	11/04	A90212	CHK: 187110	11080	TX CHILD SUPPORT SDU	5829			115.38CR	326,928.92CR
11/04/15	11/04	A90213	CHK: 187111	11080	TEXAS CHILD SUPPORT DISB	5859			500.90CR	327,429.82CR
11/04/15	11/04	A90214	CHK: 187112	11080	TX CHILD SUPPORT SDU	5882			276.92CR	327,706.74CR
11/04/15	11/04	A90215	CHK: 187113	11080	AIRMEDCARE NETWORK	5975			30.00CR	327,736.74CR
11/04/15	11/04	A90216	CHK: 187114	11080	TX CHILD SUPPORT SDU	5982			113.08CR	327,849.82CR
11/04/15	11/04	A90217	CHK: 187115	11080	JAE FITNESS	6023			152.90CR	328,002.72CR
11/04/15	11/04	A90218	CHK: 187116	11080	TEXAS CHILD SUPPORT DISB	6036			230.77CR	328,233.49CR
11/04/15	11/04	A90219	CHK: 187117	11080	TX CHILD SUPPORT SDU	6059			46.15CR	328,279.64CR
11/04/15	11/04	A90220	CHK: 187118	11080	TX CHILD SUPPORT SDU	6061			76.15CR	328,355.79CR
11/04/15	11/04	A90221	CHK: 187119	11080	TEXAS CHILD SUPPORT SDU	6135			207.23CR	328,563.02CR
11/04/15	11/04	A90222	CHK: 187120	11080	TX CHILD SUPPORT SDU	6145			252.92CR	328,815.94CR
11/04/15	11/04	A90223	CHK: 187121	11080	TG	6222			113.12CR	328,929.06CR
11/04/15	11/04	A90224	CHK: 187122	11080	TX CHILD SUPPORT SDU	6243			6.92CR	328,935.98CR
11/04/15	11/04	A90225	CHK: 000000	11084	INTERNAL REVENUE SERVICE	5832			342.45CR	329,278.43CR
11/04/15	11/04	A90229	CHK: 187124	11092	HENRY NORRIS AGENCY	3190			920.00CR	330,198.43CR
11/05/15	11/05	A90293	CHK: 187126	11096	JOSE BARRON	1			350.00CR	330,548.43CR
11/05/15	11/05	A90293	CHK: 187127	11096	ADVANCED ANALYSIS & LAB	1022			1,946.00CR	332,494.43CR
11/05/15	11/05	A90294	CHK: 187128	11096	B & J WELDING SUPPLY	1180			203.78CR	332,698.21CR
11/05/15	11/05	A90295	CHK: 187129	11096	BROCK VETERINARY CLINIC	1302			260.00CR	332,958.21CR
11/05/15	11/05	A90296	CHK: 187130	11096	CALIFORNIA CONTRACTORS	1383A			948.70CR	333,906.91CR
11/05/15	11/05	A90297	CHK: 187131	11096	CANADIAN RIVER MUNICIPAL	1395			10,220.74CR	344,127.65CR
11/05/15	11/05	A90298	CHK: 187132	11096	CATERPILLAR FINANCIAL SE	1453			24,472.75CR	368,600.40CR
11/05/15	11/05	A90299	CHK: 187133	11096	CERTIFIED LABORATORIES	1455			344.26CR	368,944.66CR
11/05/15	11/05	A90300	CHK: 187134	11096	CHEVRON AND TEXACO BUSIN	1462			184.03CR	369,128.69CR
11/05/15	11/05	A90301	CHK: 187135	11096	THE COUNTRY STORE	1540			18.90CR	369,147.59CR
11/05/15	11/05	A90302	CHK: 187136	11096	DPC INDUSTRIES INC	1570			1,603.56CR	370,751.15CR
11/05/15	11/05	A90303	CHK: 187137	11096	DATA FLOW	1587			225.80CR	370,976.95CR
11/05/15	11/05	A90304	CHK: 187138	11096	GIBBS PRINTING	2030			496.72CR	371,473.67CR
11/05/15	11/05	A90305	CHK: 187139	11096	HELENA CHEMICAL COMPANY	2260			145.60CR	371,619.27CR
11/05/15	11/05	A90306	CHK: 187140	11096	TYLER TECHNOLOGIES	2310			455.50CR	372,074.77CR
11/05/15	11/05	A90307	CHK: 187141	11096	R E JANES GRAVEL CO	2365			257.48CR	372,332.25CR
11/05/15	11/05	A90308	CHK: 187142	11096	LAMESA BEARING, INC.	2480			64.48CR	372,396.73CR
11/05/15	11/05	A90309	CHK: 187143	11096	LAMESA BUTANE COMPANY	2500			47.00CR	372,443.73CR
11/05/15	11/05	A90310	CHK: 187144	11096	LAMESA PRESS REPORTER	2590			173.70CR	372,617.43CR
11/05/15	11/05	A90311	CHK: 187145	11096	LEATHERWOOD PLUMBING	2683			64.00CR	372,681.43CR
11/05/15	11/05	A90312	CHK: 187146	11096	LYNTEGAR ELECTRIC COOP	2728			278.68CR	372,960.11CR
11/05/15	11/05	A90313	CHK: 187147	11096	PARKHILL, SMITH & COOPER	3263			12,741.35CR	385,701.46CR
11/05/15	11/05	A90314	CHK: 187148	11096	PAYTON PLUMBING INC	3286			960.45CR	386,661.91CR
11/05/15	11/05	A90315	CHK: 187149	11096	PROFESSIONAL TURF PRODUC	3413			234.97CR	386,896.88CR
11/05/15	11/05	A90316	CHK: 187150	11096	ROSE PLUMBING & SEPTIC	3560			430.36CR	387,327.24CR
11/05/15	11/05	A90317	CHK: 187151	11096	SOUTH PLAINS COMMUNICATI	3729			948.00CR	388,275.24CR
11/05/15	11/05	A90318	CHK: 187152	11096	TEXAS MUNICIPAL LEAGUE	3970			1,943.00CR	390,218.24CR
11/05/15	11/05	A90319	CHK: 187153	11096	TRACE ANALYSIS INC	4005			87.00CR	390,305.24CR
11/05/15	11/05	A90320	CHK: 187154	11096	WALMART COMMUNITY/GEGRB	4110			956.63CR	391,261.87CR
11/05/15	11/05	A90322	CHK: 187156	11096	WASTE SYSTEMS	4124			86.75CR	391,348.62CR
11/05/15	11/05	A90323	CHK: 187157	11096	WHITE'S 7 TIL 11	4185			19.55CR	391,368.17CR

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1001			CASH IN BANK							
* ( CONTINUED ) *										
11/05/15	11/05	A90324	CHK: 187158	11096	WINDSTREAM COMMUNICATION	4460			58.29CR	391,426.46CR
11/05/15	11/05	A90325	CHK: 187159	11096	OUTSOURCE LEASE INC	4745			2,427.82CR	393,854.28CR
11/05/15	11/05	A90326	CHK: 187160	11096	LOWE'S	4970			108.69CR	393,962.97CR
11/05/15	11/05	A90327	CHK: 187161	11096	USABLUBOOK	5100			479.74CR	394,442.71CR
11/05/15	11/05	A90328	CHK: 187162	11096	MANDRY TECHNOLOGY SOLUTI	5160			1,497.50CR	395,940.21CR
11/05/15	11/05	A90329	CHK: 187163	11096	EQUIPMENT SUPPLY CO. INC	5225			946.25CR	396,886.46CR
11/05/15	11/05	A90330	CHK: 187164	11096	STANDARD COFFEE SERVICE	5275			110.56CR	396,997.02CR
11/05/15	11/05	A90331	CHK: 187165	11096	TEXASDATAVAULT	5607			1,725.00CR	398,722.02CR
11/05/15	11/05	A90332	CHK: 187166	11096	ELECTION SYSTEMS & SOFTW	5628			402.14CR	399,124.16CR
11/05/15	11/05	A90333	CHK: 187167	11096	NORTHLAND COMMUNICATIONS	5800			80.64CR	399,204.80CR
11/05/15	11/05	A90334	CHK: 187168	11096	JOHN DEERE FINANCIAL	5861			82.19CR	399,286.99CR
11/05/15	11/05	A90335	CHK: 187169	11096	LAMESA RECYCLING	5869			35.40CR	399,322.39CR
11/05/15	11/05	A90336	CHK: 187170	11096	THOMSON REUTERS	5871			56.50CR	399,378.89CR
11/05/15	11/05	A90337	CHK: 187171	11096	GRAINGER	5898			63.20CR	399,442.09CR
11/05/15	11/05	A90338	CHK: 187172	11096	CITY OF ABILENE, TEXAS	5953			185.00CR	399,627.09CR
11/05/15	11/05	A90339	CHK: 187173	11096	PNC EQUIPMENT FINANCE,LL	5960			584.29CR	400,211.38CR
11/05/15	11/05	A90340	CHK: 187174	11096	CELL MORE COMMUNICATIONS	6247			1,878.00CR	402,089.38CR
11/06/15	11/06	A90358	CHK: 187176	11098	LAMESA PRESS REPORTER	2590			265.50CR	402,354.88CR
11/06/15	11/06	A90359	CHK: 187177	11098	CHAPMAN, WAYNE	5150			120.00CR	402,474.88CR
11/06/15	11/06	A90360	CHK: 187178	11098	STAHL,TERRI	5940			726.65CR	403,201.53CR
11/06/15	11/06	A90361	CHK: 187179	11098	SHAWNA BURKHART	6184			86.50CR	403,288.03CR
11/06/15	11/06	A90364	CHK: 187181	11101	AMERICAN EXPRESS	4880			10,119.58CR	413,407.61CR
11/09/15	11/09	A90369	CHK: 187185	11103	NAPA AUTO PARTS	5833			4,107.49CR	417,515.10CR
11/09/15	11/09	B49290	Deposit 000006	08024	REFUND - VICTOR O SCHINNERER		JE# 019783		184.00CR	417,699.10CR
11/10/15	11/13	B49347	Misc 000041	08032	METER POSTAGE		JE# 019817		500.00CR	418,199.10CR
11/12/15	11/12	A90392	CHK: 187195	11113	RAMIREZ POND BY DESIGN	5674			975.00CR	419,174.10CR
11/12/15	11/12	A90393	CHK: 187196	11113	UNITED LABORATORIES	6077			268.96CR	419,443.06CR
11/12/15	11/12	A90429	CHK: 187198	11114	ADVANCED ANALYSIS & LAB	1022			517.00CR	419,960.06CR
11/12/15	11/12	A90430	CHK: 187199	11114	AUTOMATED CONTROLS	1140			294.17CR	420,254.23CR
11/12/15	11/12	A90431	CHK: 187200	11114	GEBO'S DISTRIBUTING	2000			591.05CR	420,845.28CR
11/12/15	11/12	A90433	CHK: 187202	11114	HIGGINBOTHAM'S GENERAL O	2180			1,279.67CR	422,124.95CR
11/12/15	11/12	A90435	CHK: 187204	11114	TYLER TECHNOLOGIES	2310			338.21CR	422,463.16CR
11/12/15	11/12	A90436	CHK: 187205	11114	LAMESA PRESS REPORTER	2590			142.80CR	422,605.96CR
11/12/15	11/12	A90437	CHK: 187206	11114	MEDICAL ARTS HOSPITAL	2971			448.00CR	423,053.96CR
11/12/15	11/12	A90438	CHK: 187207	11114	NATIONAL SAFETY COUNCIL	3127			450.00CR	423,503.96CR
11/12/15	11/12	A90439	CHK: 187208	11114	SOUTH PLAINS PUBLIC HEAL	3730			210.00CR	423,713.96CR
11/12/15	11/12	A90441	CHK: 187210	11114	TML INTERGOVERN RISK POO	3845			185,643.50CR	609,357.46CR
11/12/15	11/12	A90442	CHK: 187211	11114	TRACE ANALYSIS INC	4005			225.00CR	609,582.46CR
11/12/15	11/12	A90443	CHK: 187212	11114	M & M EXTERMINATORS	4470			450.00CR	610,032.46CR
11/12/15	11/12	A90444	CHK: 187213	11114	DELL MARKETING LP	4660			47.29CR	610,079.75CR
11/12/15	11/12	A90445	CHK: 187214	11114	LUBBOCK TRUCK SALES, INC	5085			3,084.08CR	613,163.83CR
11/12/15	11/12	A90446	CHK: 187215	11114	LOWER COLORADO RIVER AUT	5145			216.19CR	613,380.02CR
11/12/15	11/12	A90447	CHK: 187216	11114	MANDRY TECHNOLOGY SOLUTI	5160			1,350.00CR	614,730.02CR
11/12/15	11/12	A90448	CHK: 187217	11114	STANDARD COFFEE SERVICE	5275			80.01CR	614,810.03CR
11/12/15	11/12	A90449	CHK: 187218	11114	TEXAS REVENUE RECOVERY A	5350			25.00CR	614,835.03CR
11/12/15	11/12	A90450	CHK: 187219	11114	RUSTY'S WEIGH SCALES & S	5642			350.00CR	615,185.03CR
11/12/15	11/12	A90451	CHK: 187220	11114	THE GREENHOUSE NURSERY &	5707			200.00CR	615,385.03CR

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11/12/15	11/12	A90452	CHK: 187221	11114	GREAT AMERICA FINANCIAL	5734		294.32CR	615,679.35CR
11/12/15	11/12	A90453	CHK: 187222	11114	GDF SUEZ ENERGY RESOURCE	5905		36,294.07CR	651,973.42CR
11/12/15	11/12	A90455	CHK: 187224	11114	RANGE SERVANT AMERICA, I	5909		268.65CR	652,242.07CR
11/12/15	11/12	A90456	CHK: 187225	11114	UNITED LABORATORIES	6077		624.00CR	652,866.07CR
11/12/15	11/12	A90457	CHK: 187226	11114	SIERRA SPRINGS	6114		52.04CR	652,918.11CR
11/12/15	11/12	A90458	CHK: 187227	11114	THE PIT STOP AUTO DETAIL	6132		75.00CR	652,993.11CR
11/12/15	11/12	A90459	CHK: 187228	11114	NATIONAL INDUSTRIAL & SA	6251		799.80CR	653,792.91CR
11/12/15	11/12	A90460	CHK: 187229	11114	SUMMIT TRUCK GROUP	6252		1,311.44CR	655,104.35CR
11/12/15	11/12	A90461	CHK: 187230	11114	BLACKMON-MOORING OF LUBB	6253		1,447.00CR	656,551.35CR
11/12/15	11/12	A90462	CHK: 187231	11114	GONZALES WELDING	6254		660.00CR	657,211.35CR
11/12/15	11/12	A90463	CHK: 187232	11114	C & M AIR COOLED ENGINE,	6255		210.38CR	657,421.73CR
11/12/15	11/12	A90465	CHK: 187234	11115	MOTOROLA SOULTIONS INC.	3105		8,020.43CR	665,442.16CR
11/12/15	11/12	A90466	CHK: 000000	11088	INTERNAL REVENUE SERVICE	5832		130.93CR	665,573.09CR
11/12/15	11/12	A90468	CHK: 187236	11088	CITY OF LAMESA	1465		26.57CR	665,599.66CR
11/12/15	11/12	A90469	CHK: 187237	11088	PAYROLL FUND	3270		433.50CR	666,033.16CR
11/12/15	11/12	A90471	CHK: 187285	11109	ACOSTA DRILLING	1		50.00CR	666,083.16CR
11/12/15	11/12	A90472	CHK: 187286	11109	LAMESA ECONOMIC DEVELOPM	2555		25,441.40CR	691,524.56CR
11/12/15	11/12	A90473	CHK: 187287	11109	LAMESA PRESS REPORTER	2590		279.65CR	691,804.21CR
11/12/15	11/12	A90474	CHK: 187288	11109	WASTE SYSTEMS	4124		145.10CR	691,949.31CR
11/12/15	11/12	A90475	CHK: 187289	11109	PBRPC	5525		1,996.40CR	693,945.71CR
11/12/15	11/12	A90476	CHK: 187290	11109	FORENSIC NURSE STAFFING	5776		411.00CR	694,356.71CR
11/12/15	11/12	A90477	CHK: 187291	11109	RAMIREZ, IRMA	5830		73.60CR	694,430.31CR
11/12/15	11/12	A90478	CHK: 187292	11109	LUBBOCK RAPE CRISIS CENT	5854		20.00CR	694,450.31CR
11/12/15	11/12	A90479	CHK: 187293	11109	THOMSON REUTERS	5871		303.16CR	694,753.47CR
11/12/15	11/12	A90480	CHK: 187294	11109	LAMESA ECONOMIC ALLIANCE	5942		25,441.40CR	720,194.87CR
11/12/15	11/12	A90481	CHK: 187295	11109	XAVIER R REYES JR.	6167		250.00CR	720,444.87CR
11/12/15	11/12	A90482	CHK: 187296	11109	DAVID HUCKERT	6182		200.00CR	720,644.87CR
11/12/15	11/12	A90483	CHK: 187297	11109	JEANETTE PARRISH	6213		300.00CR	720,944.87CR
11/13/15	11/13	A90485	CHK: 187299	11117	COMFORT SUITES & INNS	1		452.02CR	721,396.89CR
11/13/15	11/13	A90486	CHK: 187300	11117	CRYSTAL J MOLINA	1		50.00CR	721,446.89CR
11/13/15	11/13	A90487	CHK: 187301	11117	TEXAS SOCIAL SECURITY PR	1725		35.00CR	721,481.89CR
11/13/15	11/13	A90488	CHK: 187302	11117	OGEDA, ERNEST	5617		280.00CR	721,761.89CR
11/13/15	11/13	A90489	CHK: 187303	11117	TEXAS COMMISSION ON ENVIR	6110		111.00CR	721,872.89CR
11/13/15	11/13	A90490	CHK: 187304	11117	CHARLES WHEELER	6229		200.00CR	722,072.89CR
11/13/15	11/13	A90491	CHK: 187305	11117	COVENANT CHILDREN'S HOSP	6257		250.00CR	722,322.89CR
11/16/15	11/16	A90497	CHK: 187307	11120	LAMESA CHAMBER OF COMMER	1457		3,270.00CR	725,592.89CR
11/16/15	11/16	A90513	CHK: 187309	11123	LAMESA MAILING & PACKING	2588		2,074.68CR	727,667.57CR
11/16/15	11/16	A90514	CHK: 187310	11123	MANDRY TECHNOLOGY SOLUTI	5160		1,552.50CR	729,220.07CR
11/16/15	11/16	A90515	CHK: 187311	11123	LONGLEY DIESEL & EQUIPME	6039		465.03CR	729,685.10CR
11/16/15	11/16	A90516	CHK: 187312	11123	WTG FUELS, INC.	6220		14,292.66CR	743,977.76CR
11/16/15	11/16	A90520	CHK: 187315	11125	ANGEL ACOSTA'S CONCRETE	5640		22,028.00CR	766,005.76CR
11/17/15	11/17	A90521	CHK: 000000	11127	INTERNAL REVENUE SERVICE	5832		32,306.87CR	798,312.63CR
11/17/15	11/17	A90523	CHK: 187317	11127	CAPROCK FEDERAL CREDIT U	1390		15,588.72CR	813,901.35CR
11/17/15	11/17	A90524	CHK: 187318	11127	PAYROLL FUND	3270		68,342.55CR	882,243.90CR
11/17/15	11/17	A90525	CHK: 187319	11127	RAMOS, ANGELA F.	4940		102.93CR	882,346.83CR
11/17/15	11/17	A90526	CHK: 187320	11127	TX CHILD SUPPORT SDU	5634		334.15CR	882,680.98CR
11/17/15	11/17	A90527	CHK: 187321	11127	TEXAS CHILD SUPPORT DISB	5811		184.62CR	882,865.60CR

12-10-2015 4:58 PM  
FUND : 01 -GENERAL FUND  
DEPT : N/A

## D E T A I L L I S T I N G

PAGE: 5

PERIOD TO USE: Nov-2015 THRU Nov-2015

ACCOUNTS: 1001 THRU 1001

POST DATE TRAN # REFERENCE PACKET=====DESCRIPTION===== VEND INV/JE # NOTE =====AMOUNT===== ===BALANCE=====

1001 CASH IN BANK

\* { CONTINUED } \*

11/17/15	11/17	A90528	CHK: 187322	11127	TX CHILD SUPPORT SDU	5829	115.38CR	882,980.98CR
11/17/15	11/17	A90529	CHK: 187323	11127	TEXAS CHILD SUPPORT DISB	5859	500.90CR	883,481.88CR
11/17/15	11/17	A90530	CHK: 187324	11127	TX CHILD SUPPORT SDU	5882	276.92CR	883,758.80CR
11/17/15	11/17	A90531	CHK: 187325	11127	AIRMEDCARE NETWORK	5975	30.00CR	883,788.80CR
11/17/15	11/17	A90532	CHK: 187326	11127	TX CHILD SUPPORT SDU	5982	113.08CR	883,901.88CR
11/17/15	11/17	A90533	CHK: 187327	11127	JAE FITNESS	6023	180.60CR	884,082.48CR
11/17/15	11/17	A90534	CHK: 187328	11127	TEXAS CHILD SUPPORT DISB	6036	230.77CR	884,313.25CR
11/17/15	11/17	A90535	CHK: 187329	11127	TX CHILD SUPPORT SDU	6059	46.15CR	884,359.40CR
11/17/15	11/17	A90536	CHK: 187330	11127	TX CHILD SUPPORT SDU	6061	76.15CR	884,435.55CR
11/17/15	11/17	A90537	CHK: 187331	11127	TEXAS CHILD SUPPORT SDU	6135	207.23CR	884,642.78CR
11/17/15	11/17	A90538	CHK: 187332	11127	TX CHILD SUPPORT SDU	6145	252.92CR	884,895.70CR
11/17/15	11/17	A90539	CHK: 187333	11127	TG	6222	113.12CR	885,008.82CR
11/17/15	11/17	A90540	CHK: 187334	11127	TX CHILD SUPPORT SDU	6243	6.92CR	885,015.74CR
11/20/15	11/20	A90545	CHK: 187336	11133	DIMAS, LETICIA	1650	99.67CR	885,115.41CR
11/20/15	11/20	A90546	CHK: 187337	11133	NTS COMMUNICATIONS	3135	295.56CR	885,410.97CR
11/20/15	11/20	A90548	CHK: 187339	11133	DUYCK LARRY	5777	219.13CR	885,630.10CR
11/20/15	11/20	A90549	CHK: 187340	11133	CITY OF LAMESA HEALTH IN	5790	75,000.00CR	960,630.10CR
11/20/15	11/20	A90550	CHK: 187341	11133	SMITH, WAYNE	5912	247.99CR	960,878.09CR
11/20/15	11/20	A90551	CHK: 187342	11133	VERIZON WIRELESS	5969	1,658.81CR	962,536.90CR
11/20/15	11/20	A90553	CHK: 187344	11133	SHAWNA BURKHART	6184	810.00CR	963,346.90CR
11/20/15	11/20	A90554	CHK: 187345	11133	JEANETTE PARRISH	6213	150.00CR	963,496.90CR
11/20/15	11/20	A90555	CHK: 187346	11133	F&E OIL AND LUBE	6263	123.96CR	963,620.86CR
11/20/15	11/20	A90561	CHK: 187348	11135	REID BETHEL TIRE CO	1224	1,015.81CR	964,636.67CR
11/20/15	11/20	A90562	CHK: 187349	11135	S & C OIL COMPANY, INC.	3575	175.29CR	964,811.96CR
11/20/15	11/20	A90563	CHK: 187350	11135	TASCOSA OFFICE MACHINES	5115	1,801.13CR	966,613.09CR
11/20/15	11/20	A90564	CHK: 187351	11135	O'REILLY AUTOMOTIVE, INC	5618	278.71CR	966,891.80CR
11/20/15	11/23	U24060	CHECK 187358	14367	REFUND: ROBLES, ROBERT		51.94CR	966,943.74CR
11/20/15	11/23	U24060	CHECK 187359	14367	REFUND: ESTES, JOY D		40.19CR	966,983.93CR
11/20/15	11/23	U24060	CHECK 187360	14367	REFUND: OAKS, RODNEY D		57.63CR	967,041.56CR
11/20/15	11/23	U24061	CHECK 187361	14422	REFUND: RODRIGUEZ, ANDY M		39.77CR	967,081.33CR
11/20/15	11/23	U24061	CHECK 187362	14422	REFUND: LOPEZ, STEVEN I		78.90CR	967,160.23CR
11/20/15	11/23	U24061	CHECK 187363	14422	REFUND: AMBRIZ, PAULA		19.49CR	967,179.72CR
11/20/15	11/23	U24061	CHECK 187364	14422	REFUND: RAMIREZ, EVANGELINA		41.82CR	967,221.54CR
11/20/15	11/23	U24061	CHECK 187365	14422	REFUND: GUTIERREZ, WENDELYN G		26.87CR	967,248.41CR
11/20/15	11/23	U24061	CHECK 187366	14422	REFUND: VALLES, JOSE L& HILDA		23.38CR	967,271.79CR
11/23/15	11/23	A90571	CHK: 187353	11137	CLARENCE BUCHANAN	1	23.03CR	967,294.82CR
11/23/15	11/23	A90572	CHK: 187354	11137	GARZA, DIONICIO JR	1969	97.40CR	967,392.22CR
11/23/15	11/23	A90573	CHK: 187355	11137	WINDSTREAM COMMUNICATION	4460	68.20CR	967,460.42CR
11/23/15	11/23	A90574	CHK: 187356	11137	ARLENE JIMENEZ:	6050	12.07CR	967,472.49CR
11/23/15	11/23	A90578	CHK: 187368	11140	WASTE SYSTEMS	4124	397.00CR	967,869.49CR
11/23/15	11/23	A90579	CHK: 187369	11140	GONZALES WELDING	6254	720.00CR	968,589.49CR
11/23/15	11/23	A90581	CHK: 187371	11138	SPIKE DYKES FORD	1	200.00CR	968,789.49CR
11/23/15	11/23	A90582	CHK: 187372	11138	LAMESA AIRPORT BOARD	1013	10,000.00CR	978,789.49CR
11/23/15	11/23	A90583	CHK: 187373	11138	LAMESA CHAMBER OF COMMER	1457	2,475.00CR	981,264.49CR
11/23/15	11/23	A90584	CHK: 187374	11138	MEDICAL ARTS HOSPITAL	2971	20.00CR	981,284.49CR
11/23/15	11/23	A90585	CHK: 187375	11138	PARKHILL,SMITH & COOPER	3263	5,327.28CR	986,611.77CR
11/23/15	11/23	A90586	CHK: 187376	11138	K W SHARP INC	3703	7,825.00CR	994,436.77CR



12-10-2015 4:58 PM		DETAIL LISTING		PAGE: 6				
FUND : 01 -GENERAL FUND				PERIOD TO USE: Nov-2015 THRU Nov-2015				
DEPT : N/A				ACCOUNTS: 1001 THRU 1001				
POST	DATE	TRAN #	REFERENCE	PACKET=====DESCRIPTION=====	VEND INV/JE #	NOTE	=====AMOUNT=====	=====BALANCE=====
1001			CASH IN BANK					
* ( CONTINUED ) *								
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11/23/15	11/23	A90588	CHK: 187378	11138 CREATIVE INKS	5035		63.45CR	995,901.72CR
11/23/15	11/23	A90589	CHK: 187379	11138 STAHL,TERRI	5940		19.99CR	995,921.71CR
11/23/15	11/23	A90590	CHK: 187380	11138 JOSEPH GARCIA	6266		170.00CR	996,091.71CR
11/24/15	11/24	A90592	CHK: 187382	11149 BRANT QUINTANILLA	1		50.00CR	996,141.71CR
11/24/15	11/24	A90594	CHK: 187384	11150 SHAWNA BURKHART	6184		1,209.95CR	997,351.66CR
11/25/15	11/25	A90595	CHK: 000000	11143 INTERNAL REVENUE SERVICE	5832		5,783.76CR	1,003,135.42CR
11/25/15	11/25	A90597	CHK: 187386	11143 PAYROLL FUND	3270		18,569.57CR	1,021,704.99CR
11/25/15	11/25	A90598	CHK: 000000	11145 INTERNAL REVENUE SERVICE	5832		22.96CR	1,021,727.95CR
11/25/15	11/25	A90600	CHK: 187388	11145 PAYROLL FUND	3270		128.02CR	1,021,855.97CR
11/25/15	11/25	A90601	CHK: 000000	11147 INTERNAL REVENUE SERVICE	5832		25.00CR	1,021,880.97CR
11/25/15	11/25	A90603	CHK: 187390	11151 WINDSTREAM COMMUNICATION	4460		113.07CR	1,021,994.04CR
11/25/15	11/25	A90604	CHK: 187391	11151 TEXAS REVENUE RECOVERY A	5350		175.00CR	1,022,169.04CR
11/25/15	11/25	A90606	CHK: 187393	11151 RAMIREZ, IRMA	5830		73.60CR	1,022,242.64CR
11/25/15	11/25	A90607	CHK: 187394	11151 WELLNESS TODAY	5968		25.00CR	1,022,267.64CR
11/25/15	11/25	A90608	CHK: 187395	11151 JOHN GONZALES	6193		200.00CR	1,022,467.64CR
11/30/15	11/30	A90610	CHK: 187397	11153 FULBRIGHT & CASSELBERRY	2090		2,145.83CR	1,024,613.47CR
11/30/15	11/30	A90611	CHK: 187398	11153 PAYROLL FUND	3270		335.00CR	1,024,948.47CR
11/30/15	11/30	A90612	CHK: 187399	11153 SENIOR CITIZENS	3675		3,750.00CR	1,028,698.47CR
11/30/15	11/30	A90636	CHK: 187401	11154 AFLAC INSURANCE	1020		4,208.24CR	1,032,906.71CR
11/30/15	11/30	A90637	CHK: 187402	11154 CAPROCK FEDERAL CREDIT U	1390		275.00CR	1,033,181.71CR
11/30/15	11/30	A90638	CHK: 187403	11154 CITY OF LAMESA	1465		951.66CR	1,034,133.37CR
11/30/15	11/30	A90639	CHK: 187404	11154 TEXAS MUNICIPAL RETIREME	3973		29,392.83CR	1,063,526.20CR
11/30/15	11/30	A90647	CHK: 187412	11154 MY BOOT STORE	5710		156.66CR	1,063,682.86CR
11/30/15	11/30	A90648	CHK: 187413	11154 LEGAL SHIELD	5900		388.50CR	1,064,071.36CR
11/30/15	11/30	A90649	CHK: 187414	11154 NEW YORK LIFE	5921		567.40CR	1,064,638.76CR
11/30/15	11/30	A90650	CHK: 187415	11154 GUARDIAN-APPLETON	6141		616.68CR	1,065,255.44CR
11/30/15	11/30	A90654	CHK: 187417	11157 STANDARD INSURANCE CO	3782		818.30CR	1,066,073.74CR
11/30/15	11/30	A90655	CHK: 187418	11157 FLORES WELDING	6256		300.00CR	1,066,373.74CR
11/30/15	12/08	A91113	CHK: 187527	11207 CANADIAN RIVER MUNICIPAL	1385		11,790.61CR	1,078,164.35CR
11/30/15	12/08	A91114	CHK: 187528	11207 CITY OF LAMESA	1465		951.66CR	1,079,116.01CR
11/30/15	12/08	A91115	CHK: 187529	11207 DAVIS FURNITURE COMPANY	1600		825.84CR	1,079,941.85CR
11/30/15	12/08	A91117	CHK: 187531	11207 HELENA CHEMICAL COMPANY	2260		145.60CR	1,080,087.45CR
11/30/15	12/08	A91118	CHK: 187532	11207 LAMESA TIRE & BATTERY	2645		390.45CR	1,080,477.90CR
11/30/15	12/08	A91119	CHK: 187533	11207 METRO EQUIPMENT & RENTAL	3010		11.15CR	1,080,489.05CR
11/30/15	12/08	A91120	CHK: 187534	11207 MORRISON SUPPLY CO	3085		750.00CR	1,081,239.05CR
11/30/15	12/08	A91121	CHK: 187535	11207 PARKHILL,SMITH & COOPER	3263		8,245.65CR	1,089,484.70CR
11/30/15	12/08	A91122	CHK: 187536	11207 S & C OIL COMPANY, INC.	3575		85.74CR	1,089,570.44CR
11/30/15	12/08	A91123	CHK: 187537	11207 CRAFTCO TEXAS, INC.	4990		212.77CR	1,089,783.21CR
11/30/15	12/08	A91124	CHK: 187538	11207 CREATIVE INKS	5035		107.00CR	1,089,890.21CR
11/30/15	12/08	A91125	CHK: 187539	11207 SHELL FLEET PLUS	5055		71.96CR	1,089,962.17CR
11/30/15	12/08	A91126	CHK: 187540	11207 USABLUEBOOK	5100		516.34CR	1,090,478.51CR
11/30/15	12/08	A91127	CHK: 187541	11207 GE GOVERNMENT FINANCE IN	5180		48,200.00CR	1,138,678.51CR
11/30/15	12/08	A91128	CHK: 187542	11207 EQUIPMENT SUPPLY CO. INC	5225		450.30CR	1,139,128.81CR
11/30/15	12/08	A91129	CHK: 187543	11207 STANDARD COFFEE SERVICE	5275		128.82CR	1,139,257.63CR
11/30/15	12/08	A91130	CHK: 187544	11207 O'REILLY AUTOMOTIVE, INC	5618		25.37CR	1,139,283.00CR
11/30/15	12/08	A91131	CHK: 187545	11207 CITY OF ABILENE, TEXAS	5953		110.00CR	1,139,393.00CR

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## D E T A I L L I S T I N G

PAGE: 7

FUND : 01 -GENERAL FUND

PERIOD TO USE: Nov-2015 THRU Nov-2015

DEPT : N/A

ACCOUNTS: 1001 THRU 1001

POST	DATE	TRAN #	REFERENCE	PACKET=====	DESCRIPTION=====	VEND	INV/JE #	NOTE	=====AMOUNT=====	=====BALANCE=====
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1001 CASH IN BANK

\* ( CONTINUED ) \*

11/30/15	12/08	A91132	CHK: 187546	11207	NORTH CEDAR OUTLET	5974			451.68CR	1,139,844.68CR
11/30/15	12/08	A91133	CHK: 187547	11207	WEATHERSBEE ELECTRIC CO.	6261			265.00CR	1,140,109.68CR
11/30/15	12/10	B49582	Misc 000007	08058	HEALTH INS. TSF. - G/F		JE# 019880		36,208.74CR	1,176,318.42CR
11/30/15	12/10	B49587	Misc 000012	08060	WORKER COMP TSF TO RISK MGMT		JE# 019885		5,778.00CR	1,182,096.42CR
11/30/15	12/10	B49592	Misc 000016	08060	LIABILITY TSF G/F TO RISK MGMT		JE# 019890		5,939.59CR	1,188,036.01CR
11/30/15	12/10	B49597	Misc 000021	08061	METER POSTAGE		JE# 019895		328.76CR	1,188,364.77CR
11/30/15	12/10	B49598	Misc 000022	08061	TO MOVE GOV. TAX TO STATE AGCY		JE# 019896		3,654.36CR	1,192,019.13CR
***** NOVEMBER ACTIVITY DB:				0.00	CR:	1,192,019.13CR			1,192,019.13CR	

## SELECTION CRITERIA

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FISCAL YEAR: Oct-2014 / Sep-2015  
FUND: Include: 01  
PERIOD TO USE: Nov-2015 THRU Nov-2015  
TRANSACTIONS: CREDIT

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## ACCOUNT SELECTION

ACCOUNT RANGE: 1001 THRU 1001  
DEPARTMENT RANGE: - THRU -  
ACTIVE FUNDS ONLY: NO  
ACTIVE ACCOUNT ONLY: NO  
INCLUDE RESTRICTED ACCOUNTS: NO  
DIGIT SELECTION:

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## PRINT OPTIONS

## DETAIL

OMIT ACCOUNTS WITH NO ACTIVITY: NO  
PRINT ENCUMBRANCES: NO  
PRINT VENDOR NAME: NO  
PRINT PROJECTS: NO  
PRINT MONTHLY TOTALS: YES  
PRINT GRAND TOTALS: NO  
PRINT: INVOICE #  
PAGE BREAK BY: NONE

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\*\*\* END OF REPORT \*\*\*

# **City Council Agenda**

## **City of Lamesa, Texas**

**DATE OF MEETING: DECEMBER 15, 2015**

**AGENDA ITEM: 4**

**SUBJECT:** TEXAS HOUSING FOUNDATION RESOLUTION AUTHORIZING  
COOPERATION AGREEMENT  
**PROCEEDING:** Resolution  
**SUBMITTED BY:** City Staff  
**EXHIBITS:** Resolution; Cooperation Agreement  
**AUTHORITY:**

### **SUMMARY STATEMENT**

Consider a resolution authorizing the Texas Housing Foundation to exercise its powers within the territorial boundaries of the City of Lamesa, Texas; and authorizing a cooperation agreement.

### **COUNCIL ACTION**

#### **DISCUSSION**

Motion by Council Member \_\_\_\_\_ to approve a resolution authorizing the Texas Housing Foundation to exercise its powers within the territorial boundaries of the City of Lamesa, Texas; and authorizing a cooperation agreement. Motion seconded by Council Member \_\_\_\_\_ and upon being put to a vote the motion \_\_\_\_\_.

**VOTING:** "AYE" \_\_\_\_\_ "NAY" \_\_\_\_\_ "ABSTAIN" \_\_\_\_\_

### **CITY MANAGER'S MEMORANDUM**

This resolution will allow the Texas Housing Foundation to exercise its authority within the territorial boundaries of the City of Lamesa to provide decent, safe and sanitary housing that is affordable for lower income residents of Lamesa. The Texas Housing Foundation is authorized to exercise its powers under the Texas Housing Authorities Law and the Texas Local Government Code Chapter 392 to finance, plan, undertake, construct, or operate housing projects in the City of Lamesa, consistent with the terms of the Cooperation Agreement. The Texas Housing Foundation is a tax-exempt entity. **Recommend approval.**



**Mission** Provide opportunities for lower income residents of the State of Texas to live in decent and safe housing that they can afford located in communities of which they can be proud.

**Creation** The Texas Housing Foundation was created to provide a tool to create, develop, administer, manage, and provide services to affordable housing projects through related business entities and for the residents and communities in which they are located. Through 2014, over \$170 million financed to develop over 1700 units.

**Vision** We envision communities in which families and individuals, senior citizens and children, independent and interdependent citizens, live and grow in homes and neighborhoods that are comfortable and valuable. We have developed and/or manage 1700+ units of affordable housing.

**Brand** *Raising the Standard of Living*

**Leadership** THF is governed by a 4-member board of directors appointed by the County Commissioners of each participating county; as well as an appointed Resident Commissioner. Currently Blanco, Burnet and Llano Counties participate within the organizational structure of the Texas Housing Foundation.

**Goals** *CREATE OPPORTUNITIES*  
Single-family and multifamily residences that meet the needs of lower income residents for decent and affordable housing.

*CREATE VALUE*  
Residential properties that are assets to our residents and our neighborhoods.

*CREATE QUALITY*  
Residents are customers who have choices.  
Their satisfaction is our business.

**Attitude** Care for our customers.  
Exceed others' expectations.  
Challenge the commonplaces.  
Beat the benchmarks.  
Surpass our standards.

**Community Resource Centers of Texas, Inc.** THF currently operates and fully underwrites a one-stop social service outreach serving Burnet, Llano and Williamson County with participating non-profit and state agencies all housed under one roof.

**Affiliated Businesses** THF also collaborates with other municipalities, foundations, service providers and through joint ventures with private developers to develop, finance, and manage affordable housing projects.



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

**A RESOLUTION AUTHORIZING THE TEXAS HOUSING FOUNDATION TO EXERCISE ITS POWERS WITHIN THE TERRITORIAL BOUNDARIES OF THE CITY OF LAMESA, TEXAS; AND AUTHORIZING A COOPERATION AGREEMENT.**

**WHEREAS**, there exists in the City of Lamesa a shortage of safe and sanitary housing available to lower income residents at rents they can afford; and

**WHEREAS**, the Texas Housing Foundation ("Foundation") has significant experience and expertise in successfully providing, developing, financing and managing housing projects that are affordable to lower income residents and are assets to the community; and

**WHEREAS**, Texas Local Government Code, Section 392.017 (d) requires that the governing body of a municipality adopt a resolution declaring a need for a municipal housing authority to exercise its powers in another jurisdiction, and authorizing a cooperation agreement under Section 392.059;

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAMESA:**

- Section 1. The City Council is the governing body of the City of Lamesa.
- Section 2. Pursuant to Texas Local Government Code, Section 392.017(d)(1), the City Council declares that there is a need for the Foundation to exercise its powers in the territorial boundaries of the City of Lamesa to provide decent, safe and sanitary housing that is affordable for lower income residents of Lamesa. The Foundation is hereby authorized to exercise its powers in the territorial boundaries of the City of Lamesa.
- Section 3. Pursuant to Texas Local Government Code, Section 392.017(d)(2) and the Cooperation Agreement attached hereto and incorporated herein between the Foundation and the City of Lamesa, the Foundation is hereby authorized under Texas Local Government Code Section 392.059(a) to exercise its powers within the City of Lamesa. The City of Lamesa agrees to cooperate with the Foundation to allow the Foundation to provide housing for lower income residents in the territorial boundaries of the City of Lamesa consistent with the terms of the Cooperation Agreement. The Foundation is authorized to exercise its powers under the Texas Housing Authorities Law, Texas Local Government Code Chapter

392, to finance, plan, undertake, construct, or operate housing projects in the City of Lamesa, consistent with the terms of the Cooperation Agreement. The Mayor is hereby authorized to execute the Cooperation Agreement on behalf of the City of Lamesa.

Section 4. The Mayor is authorized to take any reasonable and necessary action to effectuate the direction and intention of this resolution and the Cooperation Agreement.

Passed and Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**ATTEST:**

\_\_\_\_\_  
Norma Garcia  
City Secretary

**APPROVED:**

\_\_\_\_\_  
Dave Nix  
Mayor

**COOPERATION AGREEMENT  
BETWEEN  
THE CITY OF LAMESA, TEXAS  
AND THE  
TEXAS HOUSING FOUNDATION**

EFFECTIVE \_\_\_\_\_, 2015

**WHEREAS**, on \_\_\_\_\_, 2015 under provisions of the Tex. Local Government Code, Section 392.017(d), the City of Lamesa, declared that there is a need for the Texas Housing Foundation, to exercise its powers within the territorial boundaries of the City of Lamesa, Texas (the "City") because there exists in City of Lamesa a shortage of safe and sanitary housing available to lower income persons at rentals they can afford;

**WHEREAS**, Tex. Local Govt. Code, Section 392.017(d), requires that the City Council adopt a resolution authorizing the Texas Housing Foundation to exercise its powers in the city, and authorizing a cooperation agreement under Section 392.059(a);

**WHEREAS**, the Board of Commissioners of the Texas Housing Foundation also adopted a resolution to exercise its powers in the city and authorized a cooperation agreement under Section 392.059(a);

**NOW, THEREFORE**, the parties hereto, the City, and the Texas Housing Foundation agree as follows:

Section 1: Cooperation Agreement. The City and the Texas Housing Foundation agree to cooperate to allow the Texas Housing Foundation, to provide housing for lower income persons in the City, consistent with the provisions below.

Section 2: Housing Project Authorization. The Texas Housing Foundation, is authorized to exercise its powers under the Texas Housing Authorities Law, Tex. Local Govt. Code, Chapter 392, to finance, plan undertake, or operate a housing project in the City as provided in this Agreement.

Section 3: The Texas Housing Foundation is authorized to acquire land, develop site improvements, and construct buildings for housing development within the territorial boundaries of the City, and to operate and manage such project for the benefit of lower income residents of the City.

Section 4. Annual Reports. The Texas Housing Foundation shall submit within 120 days after the end of its fiscal year a report to the Mayor of the City describing the housing and services operation undertaken for the benefit of lower income residents of the City of Lamesa and other activities of the Texas Housing Foundation in the City.

Section 5. Preservation of Authority. No applicable provision or intention in this cooperation agreement limits the authority or power of the City to exercise its powers under any law. No provision or intention in this cooperation agreement limits the authority or power of the Texas Housing Foundation to exercise its powers under the Texas Housing Authorities Law, Tex. Local Govt. Code, Chapter 392, to finance, plan, undertake, construct, or operate a housing project under this Cooperation Agreement or in the area of operation of the Texas Housing Foundation defined in Tex. Local Govt. Code 392.013.

Section 6. Implementation. The Mayor of the City and the President of the Texas Housing Foundation are authorized to take any reasonable and necessary action to effectuate and implement the direction and intention of this cooperation agreement and the authorizing resolutions.

Agreed this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

City of Lamesa

Attest:

\_\_\_\_\_  
Norma Garcia  
City Secretary

\_\_\_\_\_  
By: \_\_\_\_\_, Mayor

Texas Housing Foundation

\_\_\_\_\_  
By: Mark Mayfield, President

# **City Council Agenda**

**City of Lamesa, Texas**

**DATE OF MEETING: DECEMBER 15, 2015**

**AGENDA ITEM: 5**

**SUBJECT: RE-APPOINTMENT – SOUTH PLAINS PUBLIC HEALTH DISTRICT (SHAWNA BURKHART)**  
**PROCEEDING: Approval**  
**SUBMITTED BY: City staff**  
**AUTHORITY:**

## **SUMMARY STATEMENT**

Consider re-appointing Shawna Burkhart to the South Plains Public Health District, for a two (2) year term ending on December 2017. *(Ms. Burkhart's term expires December 2015. Ms. Burkhart has agreed to serve.)*

## **COUNCIL ACTION**

**DISCUSSION** \_\_\_\_\_

Motion by Council Member \_\_\_\_\_ to re-appoint Shawna Burkhart to the South Plains Public Health District for a two (2) year term ending December 2017. Motion seconded by Council Member \_\_\_\_\_ and upon being put to a vote the motion \_\_\_\_\_.

**VOTING:** "AYE" \_\_\_\_\_ "NAY" \_\_\_\_\_ "ABSTAIN" \_\_\_\_\_

## **CITY MANAGER'S MEMORANDUM**

**Recommend approval.**



CITY OF LAMESA  
CITY COUNCIL APPOINTED BOARDS AND COMMISSIONS  
SOUTH PLAINS PUBLIC HEALTH DISTRICT

AUTHORITY FOR APPOINTMENT: State Law; Public Health Reorganization Act

TERM OF OFFICE: 2 Years

NO. OF MEMBERS: 1

DUTIES AND RESPONSIBILITIES

Acts as city's representative on the board of directors of the South Plains Public Health District. The district provides public health services for the city. The district serves Dawson, Gaines, Yoakum, Terry, and Hockley counties.

BOARD MEMBERS

NAME	DATE APPOINTED	RE-APPOINTED	TERM EXPIRES
Shawna D. Burkhart	07-21-15	12-15-2015	12-2017

# ***City Council Agenda***

***City of Lamesa, Texas***

**DATE OF MEETING: DECEMBER 15, 2015**

**AGENDA ITEM: 6**

**SUBJECT: APPOINTMENT – ELECTRICAL BOARD MEMBERS (JIM CLEMENT; JOEY RIVAS)**  
**PROCEEDING: Approval**  
**SUBMITTED BY: City staff**  
**AUTHORITY:**

## **SUMMARY STATEMENT**

Consider appointing Jim Clement and Joey Rivas to the Electrical Board, for a two (2) year term ending on December 2016. *(All terms expired December 2014. Mr. Clement and Mr. Rivas have agreed to serve.)*

## **COUNCIL ACTION**

**DISCUSSION** \_\_\_\_\_

Motion by Council Member \_\_\_\_\_ to appoint Jim Clement and Joey Rivas to the Electrical Board for a two (2) year term ending December 2016. Motion seconded by Council Member \_\_\_\_\_ and upon being put to a vote the motion \_\_\_\_\_.

**VOTING:** "AYE" \_\_\_\_\_ "NAY" \_\_\_\_\_ "ABSTAIN" \_\_\_\_\_

## **CITY MANAGER'S MEMORANDUM**

**Recommend approval.**

CITY OF LAMESA  
CITY COUNCIL APPOINTED BOARDS AND COMMISSIONS  
ELECTRICAL BOARD

AUTHORITY FOR APPOINTMENT: City Electric Ord § Div. 4, §3.03.151

TERM OF OFFICE: 2 Years

NO. OF MEMBERS: 9

DUTIES AND RESPONSIBILITIES

The board passes on all Master and Journeyman electrical examinations, all applications for registration of Maintenance Electrician's licenses, building owner's permits, and all other registrations or licenses covered by the Electrical Ordinance.

The board hears appeals of decisions by the Electrical Inspector and may modify or waive requirements of the Code in certain cases.

BOARD MEMBERS

NAME	DATE APPOINTED	RE-APPOINTED	TERM EXPIRES
Mike Johnson	12-18-12	11-17-15	12-16
Hector Cantu, Prop Owner	11-18-08	11-17-15	12-16
Ken Wiley, Master	01-08-90	11-17-15	12-16
Robert Borella, Journeyman	12-01-86	11-17-15	12-16
Joey Rivas	12-15-15	12-15-15	12-16
Jim Clements	12-15-15	12-15-15	12-16
Emial Douglas (master)	12-21-04	11-17-15	12-16
Vacant 1			
Wayne Smith, Inspector	(Ex Officio member as Chief Inspector)		

# ***City Council Agenda***

***City of Lamesa, Texas***

**DATE OF MEETING: DECEMBER 15, 2015**

**AGENDA ITEM: 7**

SUBJECT: **APPOINTMENT – CITY SECRETARY/CITY TREASURER**  
PROCEEDING: Approval  
SUBMITTED BY: City staff  
AUTHORITY:

## **SUMMARY STATEMENT**

Consider appointing Norma Garcia as City Secretary/City Treasurer of the City of Lamesa.

## **COUNCIL ACTION**

**DISCUSSION** \_\_\_\_\_

Motion by Council Member \_\_\_\_\_ to appoint Norma Garcia as City Secretary/City Treasurer of the City of Lamesa. Motion seconded by Council Member \_\_\_\_\_ and upon being put to a vote the motion \_\_\_\_\_.

**VOTING:** "AYE" \_\_\_\_\_ "NAY" \_\_\_\_\_ "ABSTAIN" \_\_\_\_\_

## **CITY MANAGER'S MEMORANDUM**

City Council acknowledges the addition of Norma Garcia as an official signature on the City's bank accounts. **Recommend approval.**

# ***City Council Agenda***

***City of Lamesa, Texas***

**DATE OF MEETING: DECEMBER 15, 2015**

**AGENDA ITEM: 8**

SUBJECT: **2016 LIVESTOCK PERMIT RENEWALS**  
PROCEEDING: Approval or Denial  
SUBMITTED BY: See Attached Exhibits  
AUTHORITY:

## **SUMMARY STATEMENT**

Consider renewal of the following Livestock Permits for 2016:

- **Landfill Tract:** (Landfill property) for keeping 20 cattle and 3 donkeys upon application of Rodney Oaks.
- **1006 South East 8<sup>th</sup> Street:** for keeping 4 horses and 1 donkey upon application of Steven Alexander.
- **1708 South 8<sup>th</sup>:** for keeping 6 goats or 3 calves upon application of Keith Carter

## **COUNCIL ACTION**

**DISCUSSION** \_\_\_\_\_

Motion by Council Member \_\_\_\_\_ to renew 2016 Livestock Permits. Motion seconded by Council Member \_\_\_\_\_ and upon being put to a vote the motion \_\_\_\_\_.

**VOTING:** "AYE" \_\_\_\_\_ "NAY" \_\_\_\_\_ "ABSTAIN" \_\_\_\_\_

## **CITY MANAGER'S MEMORANDUM**

City Inspector and County Health Officer have inspected all locations and have no problems with the issuance of livestock permits. **Recommend approval.**

**PERMIT NO. 01-2016**  
**CITY OF LAMESA**  
**LIVESTOCK ZONE PERMIT**

On the 15th day of December 2015, there came on and was held at the regular meeting place, the City Hall, an open meeting of the City Council of the City of Lamesa, Texas held pursuant to the provisions of the Texas Open Meetings Act; (Govt. Code, Chapter 551); there being a quorum present and acting throughout the meeting, a Livestock zone permit application was formally submitted by motion and duly seconded for the consideration and action of the meeting, to wit:

WHEREAS, Rodney Oaks has applied to the City Council of the City of Lamesa for a Livestock zone permit; and

WHEREAS, the city health department has inspected the tract and facilities or proposed facilities and has make recommendations as to the effect such zoning would have on the public health and public welfare and as to the condition of the facilities on the tract; and

WHEREAS, the City Council of the City of Lamesa has taking into consideration what is in the best interest of the public health and general welfare of the community and the recommendation of the city health department and determined; it is in the public interest and welfare that said Livestock permit be issued;

THE CITY COUNCIL OF THE CITY OF LAMESA, TEXAS, hereby approves the issuance of this Livestock zone permit to:

Name and address of applicant:	Rodney Oaks
Street location of Livestock zone tract:	Court C
Legal description of Livestock zone tract:	Landfill and Disposal Tracts
Kind & number of Livestock permitted:	3 Donkeys & 20 Cattle
Special conditions applicable to permit:	None
Date of expiration of Livestock permit:	December 31, 2016

The issuance of this Livestock permit is subject to the applicant's compliance with Article 2.04 Livestock and Fowl of the Code of Ordinances of the City of Lamesa, Texas.

Upon being put to a vote, this Livestock zone permit was Approved this 15th day of December 2015 by a majority vote and ordered to be spread upon the minutes of the City Council of the City of Lamesa, Texas.



ATTEST:

Norma Garcia  
City Secretary

APPROVED:

Dave Nix  
Mayor

**PERMIT NO. 02-2016**  
**CITY OF LAMESA**  
**LIVESTOCK ZONE PERMIT**

On the 15th day of December 2016, there came on and was held at the regular meeting place, the City Hall, an open meeting of the City Council of the City of Lamesa, Texas held pursuant to the provisions of the Texas Open Meetings Act; (Govt. Code, Chapter 551); there being a quorum present and acting throughout the meeting, a Livestock zone permit application was formally submitted by motion and duly seconded for the consideration and action of the meeting, to wit:

WHEREAS, Steven Alexander has applied to the City Council of the City of Lamesa for a Livestock zone permit; and

WHEREAS, the city health department has inspected the tract and facilities or proposed facilities and has make recommendations as to the effect such zoning would have on the public health and public welfare and as to the condition of the facilities on the tract; and

WHEREAS, the City Council of the City of Lamesa has taking into consideration what is in the best interest of the public health and general welfare of the community and the recommendation of the city health department and determined; it is in the public interest and welfare that said Livestock permit be issued;

THE CITY COUNCIL OF THE CITY OF LAMESA, TEXAS, hereby approves the issuance of this Livestock zone permit to:

Name and address of applicant:	Steven Alexander
Street location of Livestock zone tract:	1006 South East 8 <sup>th</sup> Street
Legal description of Livestock zone tract:	S ½ of Lot 3 Less 100' by 140' and S ½ of W ½ of Lot 4, Block 16, Penix Addition
Kind & number of Livestock permitted:	4 Horses, 3 Donkey
Special conditions applicable to permit:	None
Date of expiration of Livestock permit:	December 31, 2016

The issuance of this Livestock permit is subject to the applicant's compliance with Article 2.04 Livestock and Fowl of the Code of Ordinances of the City of Lamesa, Texas.

Upon being put to a vote, this Livestock zone permit was Approved this 15th day of December 2015 by a majority vote and ordered to be spread upon the minutes of the City Council of the City of Lamesa, Texas.



ATTEST:

Norma Garcia  
City Secretary

APPROVED:

Dave Nix  
Mayor

**PERMIT NO. 03-2016**  
**CITY OF LAMESA**  
**LIVESTOCK ZONE PERMIT**

On the 15th day of December 2015, there came on and was held at the regular meeting place, City Hall, an open meeting of the City Council of the City of Lamesa, Texas held pursuant to the provisions of the Texas Open Meetings Act; (Govt. Code, Chapter 551); there being a quorum present and acting throughout the meeting, a Livestock zone permit application was formally submitted by motion and duly seconded for the consideration and action of the meeting, to wit:

WHEREAS, Keith Carter has applied to the City Council of the City of Lamesa for a Livestock zone permit; and

WHEREAS, the city health department has inspected the tract and facilities or proposed facilities and has make recommendations as to the effect such zoning would have on the public health and public welfare and as to the condition of the facilities on the tract; and

WHEREAS, the City Council of the City of Lamesa has taking into consideration what is in the best interest of the public health and general welfare of the community and the recommendation of the city health department and determined; it is in the public interest and welfare that said Livestock permit be issued;

THE CITY COUNCIL OF THE CITY OF LAMESA, TEXAS, hereby approves the issuance of this Livestock zone permit to:

Name and address of applicant:	Keith Carter
Street location of Livestock zone tract:	1708 S. 8th Street
Legal description of Livestock zone tract:	Lot 7, Block 1, South Park Hts
Kind & number of Livestock permitted:	6 Goats or 3 Cows
Special conditions applicable to permit:	None
Date of expiration of Livestock permit:	December 31, 2016

The issuance of this Livestock permit is subject to the applicant's compliance with Section 2.04.041 of the Code of Ordinances of the City of Lamesa, Texas.

Upon being put to a vote, this Livestock zone permit was Approved this 15th day of December, 2016 by a majority vote and ordered to be spread upon the minutes of the City Council of the City of Lamesa, Texas.



ATTEST:

Norma Garcia  
City Secretary

APPROVED:

Dave Nix  
Mayor



# **City Council Agenda**

*City of Lamesa, Texas*

**DATE OF MEETING: DECEMBER 15, 2015**

**AGENDA ITEM: 9**

SUBJECT: **REQUEST FOR WAIVER OF LANDFILL FEES - 1609 N 2ND**  
PROCEEDING: Approval  
SUBMITTED BY: City staff  
AUTHORITY:

## **SUMMARY STATEMENT**

Consider taking action to waive landfill tonnage fees for the tear down of a dilapidated structure at 1609 N 2<sup>nd</sup>.

## **COUNCIL ACTION**

**DISCUSSION** \_\_\_\_\_

Motion by Council Member \_\_\_\_\_ to waive landfill tonnage fees for the tear down of a dilapidated structure at 1609 N 2<sup>nd</sup>. Motion seconded by Council Member \_\_\_\_\_ and upon being put to a vote the motion \_\_\_\_\_.

**VOTING:** "AYE" \_\_\_\_\_ "NAY" \_\_\_\_\_ "ABSTAIN" \_\_\_\_\_

## **CITY MANAGER'S MEMORANDUM**

All property owners are required to pay for demolition and disposal fees for privately owned properties. The City could have the home demolished at no cost by working with the County Attorney's Office and the use of restitution workers. However, disposal fees at the landfill will still apply. The City can dispose of the debris and put a lien on the property; the owner can pay disposal fees at time of demolition or the City Council can waive the disposal fees. This is an enterprise fund and is supposed to operate as business. Waiver of fees will set precedent.

# ***City Council Agenda***

***City of Lamesa, Texas***

**DATE OF MEETING: DECEMBER 15, 2015**

**AGENDA ITEM: 10**

**SUBJECT: PUBLIC HEARING FOR SPECIFIC USE PERMIT – 1001  
SOUTH 6<sup>th</sup> STREET**

**PROCEEDING:** Public Hearing

**SUBMITTED BY:** Wayne Smith

**EXHIBITS:** Minutes from November 19, 2015 P&Z meeting

**AUTHORITY:** City Charter, City Code, Texas Government Code

## **SUMMARY STATEMENT**

Public Hearing to consider passing an ordinance allowing a Specific Use Permit at 1001 South 6th Street for Residential rental for the front of the property and a Plasma Cutting Shop at the rear of the property for the following property:

ALL OF LOT 1 IN BLOCK 19 OF THE LEE ADDITION TO the City of Lamesa, Dawson County, Texas.

## **PUBLIC HEARING**

The Mayor will ask if anyone wishes to speak regarding the

The following persons spoke:

_____	_____
_____	_____
_____	_____

Following the public comments the Mayor will close the public hearing.

## **CITY MANAGER'S MEMORANDUM**

See attached P&Z minutes of November 19<sup>th</sup> meeting. P&Z public hearing was held on November 19<sup>th</sup>, 2015.



1001 S 6th

Plasma Cutting Shop

707 S Ave I

© 2015 Google

Imagery Date: 1/16/2014 32°43'30.10" N 101°57'24.98" W



# ***City Council Agenda***

## ***City of Lamesa, Texas***

**DATE OF MEETING: DECEMBER 15, 2015**

**AGENDA ITEM: 11**

**SUBJECT: REQUEST FOR SPECIFIC USE PERMIT – 1001 SOUTH 6<sup>th</sup> STREET**

**PROCEEDING: Ordinance, First Reading**

**SUBMITTED BY: Wayne Smith**

**EXHIBITS: Ordinance**

**AUTHORITY: City Charter, City Code, Texas Government Code**

### **SUMMARY STATEMENT**

Consider passing an ordinance allowing a Specific Use Permit at 1001 South 6th Street for Residential rental for the front of the property and a Plasma Cutting Shop at the rear of the property for the following property: ALL OF LOT 1 IN BLOCK 19 OF THE LEE ADDITION TO the City of Lamesa, Dawson County, Texas.

### **COUNCIL ACTION**

**DISCUSSION** \_\_\_\_\_

Motion by Council Member \_\_\_\_\_ to pass an ordinance allowing a Specific Use Permit at 1001 South 6th Street for Residential rental for the front of the property and a Plasma Cutting Shop at the rear of the property for the following property: ALL OF LOT 1 IN BLOCK 19 OF THE LEE ADDITION TO the City of Lamesa, Dawson County, Texas. Motion seconded by Council Member \_\_\_\_\_ and upon being put to a vote the motion \_\_\_\_\_.

**VOTING:** "AYE" \_\_\_\_\_ "NAY" \_\_\_\_\_ "ABSTAIN" \_\_\_\_\_

### **CITY MANAGER'S MEMORANDUM**

See attached P&Z final report, P&Z public hearing was held on November 19<sup>th</sup>, 2015.  
**Recommend approval.**

**ORDINANCE NO.: \_\_\_\_\_**

**AN ORDINANCE GRANTING A SPECIFIC USE PERMIT FOR THE USE OF THE SOUTH PORTION OF LOT 1, BLOCK 19, OF THE LEE ADDITION TO THE TOWN OF LAMESA, DAWSON COUNTY, TEXAS, ZONED AS DISTRICT R-1 (SINGLE-FAMILY RESIDENTIAL) FOR USE AS A METAL WORKING SHOP UPON RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION.**

On the this 15th day of December, 2015, there came on and was held at the regular meeting place, the City Hall, an open meeting of the City Council of the City of Lamesa, Texas, held pursuant to the provisions of the Texas Open Meetings Act, and there being a quorum present and acting throughout the meeting, the following ordinance was formally submitted by motion and duly seconded for consideration and action at the meeting, to wit:

**WHEREAS**, the Code of Ordinances of the City of Lamesa provides that specific use permits may be granted for the use of property not otherwise allowed in certain zoning districts of the City upon application of the property owner and upon recommendation of the Planning and Zoning Commission of the City; and

**WHEREAS**, an application has been made for a specific use permit to allow the use of the South portion of the following described property as a metal working shop, to-wit:

All of Lot 1, Block 19, of the Lee Addition to the Town of Lamesa, Dawson County, Texas; and

**WHEREAS**, said property is located within the city limits of the City of Lamesa, Texas, located at 1001 South 6<sup>th</sup> Street and is located within a district zoned as R-1 (Single-family residential); and

**WHEREAS**, the Planning and Zoning Commission of the City of Lamesa, Texas, after hearing such application and the arguments for and against the same, has voted to recommend to the City Council of the City of Lamesa, Texas, that such request for a specific use permit for the use of the south portion of the property as a metal working shop be granted; and

**WHEREAS**, a public hearing where all interested persons were provided with an opportunity to be heard on the request for a specific use permit was held at City Hall, 601 South First Street, in the City of Lamesa, Texas, on December 15, 2015, which date is not less than fifteen days prior to the publication of a notice of such hearing in the Lamesa Press-Reporter, a newspaper of general circulation in the City of Lamesa, Texas;

**WHEREAS**, after such hearing, the City Council of the City of Lamesa, Texas, finds that the use for which such zone change is sought will not be injurious to the neighborhood or otherwise detrimental to the public interest and welfare and will be in harmony with the general purpose of the Zoning Ordinances of the City of Lamesa, Texas, and that the recommendation of the Planning and Zoning Commission of the City of Lamesa, Texas, be accepted.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAMESA, TEXAS:**

**SECTION ONE:** The request for a specific use permit to allow the South portion of the following described property located at 1001 South 6<sup>th</sup> Street, Lamesa, Texas, to be used as a metal working shop, to-wit:

All of Lot 1, Block 19, of the Lee Addition to the Town of Lamesa, Dawson County, Texas;

be, and is hereby, **GRANTED, but subject to the following conditions:**

1. The right-of-way and easement along Avenue I shall remain clear of equipment and materials.
2. A fence will be built to enclose the area lying South of the metal working shop to completely screen from public view all material and equipment used in connection with the metal working shop.
3. The hours of operation of the metal working business will be from 7:00 AM to 10:00 PM only.
4. All restrictions applicable to a home occupation as provided in the ordinances of the City shall apply.

**SECTION TWO:** The provisions of this ordinance are to be cumulative and shall constitute an amendment to the zoning ordinances of the City of Lamesa, Texas, only as it applies to the hereinabove described property.

**SECTION THREE:** If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Lamesa, Texas, hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

**SECTION FOUR:** The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by Article IV, Section 24 of the City Charter.

Upon being put to a vote, the foregoing ordinance was Passed, on First Reading on the 15th day of December, 2015.

**ATTEST:**

**APPROVED:**

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Norma Garcia  
City Secretary

---

Dave Nix  
Mayor

THE STATE OF TEXAS }  
COUNTY OF DAWSON }  
CITY OF LAMESA }

MINUTES

On November 19, 2015 there came on and was held a meeting of the Planning and Zoning Commission of the City of Lamesa, Texas, with the following members present:

ABSENT-----	John Hegi	Member
ABSENT-----	Gary Culp	Member
	Bob Henderson	Member
	Ray Stephens	Member
	Larry Allison	Member
ABSENT-----	Sam Adams	Member
	Richard Leonard	Member
	Jinkin Ortiz	Alternate Member
ABSENT-----	Barney Blount	Alternate Member

Also Meeting:

Wayne Smith

Chief Inspector

A quorum being present and acting throughout the meeting, the following among other proceedings were held.

**1. CALL TO ORDER:**

**2. APPROVAL OF THE MINUTES:** Consider all matters incidental and related to ratify and approve the minutes of the Planning and Zoning commission concerning each of the matters listed on the agenda of the regular meeting of the Planning and Zoning Commission of the City of Lamesa, Texas held on **October 13, 2015**.

A motion to approve the minutes as read was made by Ray Stephens and seconded by Richard Leonard.

**VOTING:** "AYE" 5 "NAY" 0 "ABSTAIN" 0

**3. CASE NO. PZ 15-14:** To consider the petition of JOE RODRIGUEZ AND ALICE RODRIGUEZ 1003 SOUTH 6TH STREET LAMESA, TEXAS 79331 requesting a specific use permit for the following property:

**ALL OF LOT 1 IN BLOCK 19 OF THE LEE ADDITION TO  
the City of Lamesa, Dawson County, Texas**

located at 1001 SOUTH 6TH STREET allowing the use of the property for RESIDENTIAL RENTAL for the front house AND PLASMA CUTTING SHOP for the shop at the rear of the property.

Discussion: 22 letters were mailed to surrounding property owners, 1 letter in favor of was returned. Two staff review acknowledgments were returned with concerns about fencing the property, access to right of ways, hours of operation, and maintaining a residential neighborhood with the operation of a business. Mr. Rodriguez was present and discussed these concerns with the board and agreed some restrictions were necessary for the use of a business in a residential neighborhood. A motion by Ray Stephens recommending approval of a specific use permit to the council allowing the use of the property at 1001 South 6<sup>th</sup> Street for use as a plasma cutting shop with the following requirements:

1. The right of way and easement along Avenue I will remain clear of equipment and materials
2. A fence will be installed on the south side of the shop to enclose the property used for the business
3. The hours of operation will be 7 Am to 10 PM only
4. All restrictions applying to a home occupation as provided in the ordinance are also maintained

The motion was seconded by Jinkin Ortiz

**VOTING:** "AYE" 5 "NAY" 0 "ABSTAIN" 0

**4. CASE NO. PZ 15-15:** To consider the petition of JOE RODRIGUEZ 1003 SOUTH 6TH STREET LAMESA, TEXAS 79331 requesting a specific use permit for the following property:

**ALL OF LOT 7 AND THE WEST ONE-HALF OF LOT 8  
BLOCK 18 OF THE LEE ADDITION TO the City of  
Lamesa, Dawson County, Texas**

located at 707 SOUTH AVE I allowing the use of the property for MATERIAL STORAGE FOR METALOGIC SHOP AT 1001 SOUTH 6TH.

Discussion: Application 15-15 is for use of an empty lot across the street and behind the shop at 1001 S 6<sup>th</sup> for storage of materials used for the business allowed in application 15-14. 16 letters were mailed to surrounding property owners and no letters were returned. The same concerns were addressed by staff about the use of the property and the board felt the same restrictions would apply to this property as the ones in place at 1001 South 6<sup>th</sup> but that the area of the property used for storage of materials should be completely screened from public view by a fence. Board member Jinkin Ortiz questioned where the fence boundaries would be set since it is located in a residential neighborhood, Wayne Smith answered the question stating that since the zone was not changed the 25' setback required to the front of the property and the 10' setback for street side corner properties would be required unless a variance for a less restrictive



setback is granted at a later date. A motion by Richard Leonard recommending approval of a specific use permit to the council allowing the use of the property at 707 South Ave I for use as storage for materials for the plasma cutting shop at 1001 South 6<sup>th</sup> with the following requirements:

1. A fence will be built to enclose the area to be used for storage
2. The fence will completely screen from public view any material or equipment in the area.
3. The same restrictions for hours of operation, clear right of ways, and restrictions for home occupations shall apply to this property

The motion was seconded by Jinkin Ortiz.

**VOTING:** "AYE" 5 "NAY" 0 "ABSTAIN" 0

**5. ADJOURNMENT:** There being no other business the meeting was adjourned

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**Chief Inspector**

\_\_\_\_\_  
**Chairman**

# ***City Council Agenda***

***City of Lamesa, Texas***

**DATE OF MEETING: DECEMBER 15, 2015**

**AGENDA ITEM: 12**

**SUBJECT:** PUBLIC HEARING FOR SPECIFIC USE PERMIT – 707 SOUTH AVENUE I

**PROCEEDING:** Public Hearing

**SUBMITTED BY:** Wayne Smith

**EXHIBITS:** Minutes from November 19, 2015 P&Z meeting

**AUTHORITY:** City Charter, City Code, Texas Government Code

## **SUMMARY STATEMENT**

Public Hearing to Consider passing an ordinance allowing a Specific Use Permit at 707 South Avenue I for *Metalogic Shop's* material storage for the following property: ALL OF LOT 7 AND THE WEST ONE-HALF OF LOT 8 BLOCK 18 OF THE LEE ADDITION TO the City of Lamesa, Dawson County, Texas.

## **PUBLIC HEARING**

The Mayor will ask if anyone wishes to speak regarding the Specific Use Permit.

The following persons spoke:

_____	_____
_____	_____
_____	_____

Following the public comments the Mayor will close the public hearing.

## **CITY MANAGER'S MEMORANDUM**

See attached P&Z final report, P&Z public hearing was held on November 19<sup>th</sup>, 2015.



1001 S 6th

Plasma Cutting Shop

707 S Ave I

©2015 Google



# **City Council Agenda**

## **City of Lamesa, Texas**

**DATE OF MEETING: DECEMBER 15, 2015**

**AGENDA ITEM: 13**

**SUBJECT:** REQUEST FOR SPECIFIC USE PERMIT – 1001 SOUTH 6<sup>th</sup> STREET

**PROCEEDING:** Ordinance, First Reading

**SUBMITTED BY:** Wayne Smith

**EXHIBITS:** Ordinance

**AUTHORITY:** City Charter, City Code, Texas Government Code

### **SUMMARY STATEMENT**

Consider passing an ordinance allowing a Specific Use Permit at 707 South Avenue I for *Metalogic Shop's* material storage for the following property:

ALL OF LOT 7 AND THE WEST ONE-HALF OF LOT 8 BLOCK 18 OF THE LEE ADDITION TO the City of Lamesa, Dawson County, Texas.

### **COUNCIL ACTION**

**DISCUSSION** \_\_\_\_\_

Motion by Council Member \_\_\_\_\_ to pass ordinance allowing a Specific Use Permit at 707 South Avenue I for *Metalogic Shop's* material storage for the following property: ALL OF LOT 7 AND THE WEST ONE-HALF OF LOT 8 BLOCK 18 OF THE LEE ADDITION TO the City of Lamesa, Dawson County, Texas. Motion seconded by Council Member \_\_\_\_\_ and upon being put to a vote the motion \_\_\_\_\_.

**VOTING:** "AYE" \_\_\_\_\_ "NAY" \_\_\_\_\_ "ABSTAIN" \_\_\_\_\_

### **CITY MANAGER'S MEMORANDUM**

See attached P&Z final report, P&Z public hearing was held on November 19<sup>th</sup>, 2015.  
**Recommend approval.**

**ORDINANCE NO.: \_\_\_\_\_**

**AN ORDINANCE GRANTING A SPECIFIC USE PERMIT FOR THE USE OF ALL OF LOT 7, AND THE WEST ONE-HALF OF LOT 8, BLOCK 18, OF THE LEE ADDITION TO THE TOWN OF LAMESA, DAWSON COUNTY, TEXAS, ZONED AS DISTRICT R-1 (SINGLE-FAMILY RESIDENTIAL) FOR STORING MATERIALS FOR USE IN A METAL WORKING SHOP UPON RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION.**

On the this 15th day of December, 2015, there came on and was held at the regular meeting place, the City Hall, an open meeting of the City Council of the City of Lamesa, Texas, held pursuant to the provisions of the Texas Open Meetings Act, and there being a quorum present and acting throughout the meeting, the following ordinance was formally submitted by motion and duly seconded for consideration and action at the meeting, to wit:

**WHEREAS**, the Code of Ordinances of the City of Lamesa provides that specific use permits may be granted for the use of property not otherwise allowed in certain zoning districts of the City upon application of the property owner and upon recommendation of the Planning and Zoning Commission of the City; and

**WHEREAS**, an application has been made for a specific use permit to allow the use of the following described property for storing materials for use in a metal working shop, to-wit:

All of Lot 7, and the West one-half of Lot 8, Block 18, of the Lee Addition to the Town of Lamesa, Dawson County, Texas; and

**WHEREAS**, said property is located within the city limits of the City of Lamesa, Texas, located at 707 South Avenue I and is located within a district zoned as R-1 (Single-family residential); and

**WHEREAS**, the Planning and Zoning Commission of the City of Lamesa, Texas, after hearing such application and the arguments for and against the same, has voted to recommend to the City Council of the City of Lamesa, Texas, that such request for a specific use permit for the use of the property for storing materials for use in a metal working shop be granted; and

**WHEREAS**, a public hearing where all interested persons were provided with an opportunity to be heard on the request for a specific use permit was held at City Hall, 601 South First Street, in the City of Lamesa, Texas, on December 15, 2015, which date is not less than fifteen days prior to the publication of a notice of such hearing in the Lamesa Press-Reporter, a newspaper of general circulation in the City of Lamesa, Texas;

**WHEREAS**, after such hearing, the City Council of the City of Lamesa, Texas, finds that the use for which such zone change is sought will not be injurious to the neighborhood or otherwise detrimental to the public interest and welfare and will be in harmony with the general purpose of the Zoning Ordinances of the City of Lamesa, Texas, and that the recommendation of the Planning and Zoning Commission of the City of Lamesa, Texas, be accepted.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAMESA, TEXAS:**

**SECTION ONE:** That the request for a specific use permit to allow the following described property located at 707 South Avenue I, Lamesa, Texas, to be used for storing materials for use in a metal working shop, to-wit:

All of Lot 7, and the West one-half of Lot 8, Block 18, of the Lee Addition to the Town of Lamesa, Dawson County, Texas; and

be, and is hereby, **GRANTED, but subject to the following conditions:**

1. A fence will be built to enclose the area to be used for storing the materials.
2. The fence will completely screen from public view all material and equipment used in connection with the metal working shop.
3. The hours of operation of the storage facility will be from 7:00 AM to 10:00 PM only.
4. All restrictions applying to a home occupation as provided in the ordinances of the City shall apply.
5. The right-of-way and easement around the property shall remain clear of equipment and materials.

**SECTION TWO:** The provisions of this ordinance are to be cumulative and shall constitute an amendment to the zoning ordinances of the City of Lamesa, Texas, only as it applies to the hereinabove described property.

**SECTION THREE:** If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Lamesa, Texas, hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

**SECTION FOUR:** The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by Article IV, Section 24 of the City Charter.

Upon being put to a vote, the foregoing ordinance was Passed, on First Reading on the 15th day of December, 2015.

**ATTEST:**

**APPROVED:**

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Norma Garcia  
City Secretary

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Dave Nix  
Mayor

THE STATE OF TEXAS }{  
COUNTY OF DAWSON }{  
CITY OF LAMESA }{

**MINUTES**

On November 19, 2015 there came on and was held a meeting of the Planning and Zoning Commission of the City of Lamesa, Texas, with the following members present:

ABSENT-----	John Hegi	Member
ABSENT-----	Gary Culp	Member
	Bob Henderson	Member
	Ray Stephens	Member
	Larry Allison	Member
ABSENT-----	Sam Adams	Member
	Richard Leonard	Member
	Jinkin Ortiz	Alternate Member
ABSENT-----	Barney Blount	Alternate Member

Also Meeting:

Wayne Smith	Chief Inspector
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A quorum being present and acting throughout the meeting, the following among other proceedings were held.

**1. CALL TO ORDER:**

**2. APPROVAL OF THE MINUTES:** Consider all matters incidental and related to ratify and approve the minutes of the Planning and Zoning commission concerning each of the matters listed on the agenda of the regular meeting of the Planning and Zoning Commission of the City of Lamesa, Texas held on **October 13, 2015**.

A motion to approve the minutes as read was made by Ray Stephens and seconded by Richard Leonard.

**VOTING:** "AYE" 5 "NAY" 0 "ABSTAIN" 0

**3. CASE NO. PZ 15-14:** To consider the petition of JOE RODRIGUEZ AND ALICE RODRIGUEZ 1003 SOUTH 6TH STREET LAMESA, TEXAS 79331 requesting a specific use permit for the following property:

**ALL OF LOT 1 IN BLOCK 19 OF THE LEE ADDITION TO  
the City of Lamesa, Dawson County, Texas**

located at 1001 SOUTH 6TH STREET allowing the use of the property for RESIDENTIAL RENTAL for the front house AND PLASMA CUTTING SHOP for the shop at the rear of the property.

Discussion: 22 letters were mailed to surrounding property owners, 1 letter in favor of was returned. Two staff review acknowledgments were returned with concerns about fencing the property, access to right of ways, hours of operation, and maintaining a residential neighborhood with the operation of a business. Mr. Rodriguez was present and discussed these concerns with the board and agreed some restrictions were necessary for the use of a business in a residential neighborhood. A motion by Ray Stephens recommending approval of a specific use permit to the council allowing the use of the property at 1001 South 6<sup>th</sup> Street for use as a plasma cutting shop with the following requirements:

1. The right of way and easement along Avenue I will remain clear of equipment and materials
2. A fence will be installed on the south side of the shop to enclose the property used for the business
3. The hours of operation will be 7 Am to 10 PM only
4. All restrictions applying to a home occupation as provided in the ordinance are also maintained

The motion was seconded by Jinkin Ortiz

**VOTING:** "AYE" 5 "NAY" 0 "ABSTAIN" 0

**4. CASE NO. PZ 15-15:** To consider the petition of JOE RODRIGUEZ 1003 SOUTH 6TH STREET LAMESA, TEXAS 79331 requesting a specific use permit for the following property:

**ALL OF LOT 7 AND THE WEST ONE-HALF OF LOT 8  
BLOCK 18 OF THE LEE ADDITION TO the City of  
Lamesa, Dawson County, Texas**

located at 707 SOUTH AVE I allowing the use of the property for MATERIAL STORAGE FOR METALOGIC SHOP AT 1001 SOUTH 6TH.

Discussion: Application 15-15 is for use of an empty lot across the street and behind the shop at 1001 S 6<sup>th</sup> for storage of materials used for the business allowed in application 15-14. 16 letters were mailed to surrounding property owners and no letters were returned. The same concerns were addressed by staff about the use of the property and the board felt the same restrictions would apply to this property as the ones in place at 1001 South 6<sup>th</sup> but that the area of the property used for storage of materials should be completely screened from public view by a fence. Board member Jinkin Ortiz questioned where the fence boundaries would be set since it is located in a residential neighborhood, Wayne Smith answered the question stating that since the zone was not changed the 25' setback required to the front of the property and the 10' setback for street side corner properties would be required unless a variance for a less restrictive



setback is granted at a later date. A motion by Richard Leonard recommending approval of a specific use permit to the council allowing the use of the property at 707 South Ave I for use as storage for materials for the plasma cutting shop at 1001 South 6<sup>th</sup> with the following requirements:

1. A fence will be built to enclose the area to be used for storage
2. The fence will completely screen from public view any material or equipment in the area.
3. The same restrictions for hours of operation, clear right of ways, and restrictions for home occupations shall apply to this property

The motion was seconded by Jinkin Ortiz.

**VOTING:**    "AYE" 5    "NAY" 0    "ABSTAIN" 0

**5. ADJOURNMENT:** There being no other business the meeting was adjourned

**ATTEST:**

**APPROVED:**

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**Chief Inspector**

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**Chairman**

# ***City Council Agenda***

## ***City of Lamesa, Texas***

**DATE OF MEETING: DECEMBER 15, 2015**

**AGENDA ITEM: 14**

**SUBJECT: LYNTEGAR ELECTRIC COOPERATIVE, INC. FRANCHISE AGREEMENT**

**PROCEEDING: ORDINANCE, SECOND READING**

**SUBMITTED BY: Wayne Smith**

**EXHIBITS: Ordinance**

**AUTHORITY: City Charter, City Code, Texas Government Code**

### **SUMMARY STATEMENT**

Consider passing an Ordinance on second reading approving a five year franchise agreement with Lyntegar Electric Cooperative, Inc.

### **COUNCIL ACTION**

**DISCUSSION** \_\_\_\_\_

Motion by Council Member \_\_\_\_\_ to pass ordinance on second reading approving a five year franchise agreement with Lyntegar Electric Cooperative, Inc. Motion seconded by Council Member \_\_\_\_\_ and upon being put to a vote the motion \_\_\_\_\_.

**VOTING:** "AYE" \_\_\_\_\_ "NAY" \_\_\_\_\_ "ABSTAIN" \_\_\_\_\_

### **CITY MANAGER'S MEMORANDUM**

**Recommend approval.**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE GRANTING TO LYNTEGAR ELECTRIC COOPERATIVE, INC., ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO ERECT AND MAINTAIN ITS ELECTRIC LIGHT AND POWER LINES WITH ALL NECESSARY OR DESIRABLE APPURTENANCES (INCLUDING UNDERGROUND CONDUITS, POLES, TOWERS, WIRES, AND TRANSMISSION LINES) AND WHEREBY THE CITY OF LAMESA, TEXAS, GRANTS ITS CONSENT FOR THE USE OF ITS PRESENT AND FUTURE STREETS, ALLEYS, HIGHWAYS, AND PUBLIC GROUNDS IN SAID CITY UNDER REGULATIONS AND RESTRICTIONS AS STATED THEREIN AND PROVIDING THAT THE SAID CITY SHALL RECEIVE AN ANNUAL PAYMENT FOR SAME, ALL AS THEREIN PROVIDED.**

On this the 15<sup>th</sup> day of December, 2015, there came on and was held at the regular meeting place, the City Hall, an open meeting of the City Council of the City of Lamesa, Texas, held pursuant to the provisions of the Texas Open Meetings Act; there being a quorum present and acting throughout the meeting, the following ordinance was formally submitted by motion and duly seconded for the consideration and action of the meeting, to wit:

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAMESA, TEXAS:**

Section 1. That the City of Lamesa, herein called "City", hereby grants its consent to the use of its present and future streets, alleys, highways, and public grounds by Lyntegar Electric Cooperative, Inc., its successors and assigns, hereby called "Cooperative", for the purposes of constructing, maintaining and operating in, along, under and across the present and future streets, alleys, and public places of the City of Lamesa, Texas, and its successors, electric light and power lines, with all necessary or desirable appurtenances (including underground conduits, poles, towers, wires and transmission lines, and telegraph and telephone lines for its own use) for the purpose of supplying electricity within its certificated area, to the City, the inhabitants thereof, and other legal entities, for light, heat, power, and other purposes; said consent being granted for a term of five (5) years commencing January 1, 2016, and terminating without further notice on December 31, 2020.

Section 2. Poles or towers shall be so erected as not to unreasonably interfere with traffic over streets and alleys.

Section 3. The Cooperative's property and operations in the City shall be subject to such regulations by the City as may be reasonably necessary for the protection of the general public.

Section 4. The Cooperative shall hold the City harmless from all expense or liability for any act or neglect of the Cooperative hereunder.

Section 5. In consideration of the grant of this privilege and franchise by the City and as full payment for the privilege of using and occupying the streets, alleys, highways, easements, parks and other public places within the city, and in lieu of any and all occupation taxes, easements and franchise taxes (whether levied as an ad valorem, special, or other character of tax), and in lieu of license and inspection fees or charges, street taxes, street or alley rentals of whatsoever kind and character which the City may impose or hereafter be authorized or empowered by law to levy and collect (excepting only the usual or special ad valorem taxes which the City is authorized to levy and impose upon real and personal property), the Cooperative, Lyntegar Electric Cooperative, Inc., its successors or assigns, shall pay to the City of Lamesa, Texas, annually and on or before March 1 following each year of the term hereof, beginning March 1, 2016, an amount equivalent to four (4) percent of the gross revenues received by the Cooperative, its successors or assigns, during the preceding year from sales of electricity within the corporate limits of the City. On or before the 15<sup>th</sup> day of March of each year hereafter, a report shall be filed with the City by the Cooperative, its successors or assigns, showing its gross revenues, as aforesaid, for the preceding calendar year, and the payment made hereunder shall be based upon such report.

Section 6. Nothing herein contained shall ever be held or construed to confer upon the Cooperative, its successors or assigns, exclusive rights or privileges of any nature whatsoever.

Section 7. Should the Cooperative, its successors or assigns, fail to substantially comply with the conditions of this franchise, the City shall have the right, by Ordinance duly passed therefore, to forfeit all the rights and franchises herein granted to the Cooperative; provided, however, the City shall give the cooperative, its successors or assigns, thirty (30) days notice in writing, specifying the conditions claimed to have been violated, and giving full and fair opportunity to be heard there on, before declaring such forfeiture, which notice shall fairly and fully set out all of the conditions claimed and complained of, and shall be given by the said City and shall be signed by the City Secretary under the seal of the City, after having been properly authorized by the Mayor and governing body of the City; and further, provided, however, the Cooperative, its successors or assigns, shall have thirty (30) days after receiving such notice in which to rectify and correct such violations and to substantially comply with the terms and conditions of this Ordinance. Should any violation of this Ordinance so complained of not have been rectified and corrected and the terms and conditions of this Ordinance substantially completed with at the end of said thirty (30) days, then, and in that event, the City shall have the power to forfeit this franchise on account of the violations specified in such notice. In case of forfeiture, as herein provided, the City reserves the right to purchase the distributing plant of the Cooperative then located within the City at its fair, appraised value, or to allow the Cooperative, its successors or assigns, to remove the same within one year from the date of such forfeiture; provided that before any of said property may be removed, the Cooperative, its successors or assigns, shall be required

to give to the City good and sufficient bond, conditioned that the streets and alleys will be placed and left in as good condition as they were found before such removal.

Section 8. This Ordinance shall be cumulative and in addition to the other permits and franchises granted and ordinances owned, held or claimed by the Cooperative; provided, however, that all ordinances or parts of ordinances that conflict herewith are hereby repealed.

Section 9. This Ordinance shall not become effective until the Cooperative has accepted it in writing. Such acceptance shall be given to the City by Cooperative within 30 days after final passage hereof.

Section 10. Notwithstanding anything herein contained to the contrary, this Franchise is limited to those areas where the Cooperative is certified to serve, as are delineated on the Public Utility Commission of Texas General Highway Map, Dawson County, Texas, Certified Electric Service Area Boundary approved by R. S. Sweatman of the Public Utility commission staff on June 15, 1977, and a part of Docket 53.

Upon being put to a vote, the foregoing ordinance was Passed, on First Reading on the 17th day of November, 2015 by a majority vote; and then on the 15<sup>th</sup> day of December, 2015, there came on and was held at the regular meeting place, the City Hall, an open meeting of the City Council of the City of Lamesa, Texas held pursuant to the provisions of the Texas Open Meetings Act; there being a quorum present and acting throughout the meeting, the foregoing ordinance was formally submitted by motion and duly seconded for the consideration and action of the meeting, and upon being put to a vote, the foregoing ordinance was Passed on Second Reading this 15th day of December, 2015 by a majority vote and ordered to be spread upon the minutes of the City Council of the City of Lamesa, Texas and recorded in the ordinance book thereafter.

ATTEST:

APPROVED:

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Shawna D. Burkhart  
City Manager

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Dave Nix  
Mayor

# ***City Council Agenda***

## ***City of Lamesa, Texas***

**DATE OF MEETING: DECEMBER 15, 2015**

**AGENDA ITEM: 15**

**SUBJECT: SALE OF LAND TO TXDOT FOR RIGHT OF WAY  
ACQUISITION**

**PROCEEDING: ORDINANCE, SECOND READING**

**SUBMITTED BY: Wayne Smith**

**EXHIBITS: Ordinance**

**AUTHORITY: City Charter, City Code, Texas Government Code**

### **SUMMARY STATEMENT**

Consider passing an Ordinance on second reading accepting State of Texas offer to purchase city property for State Highway Right of Way for the following property: Being 10.5347 acres of land located in Section 18, Block 35, Township 5 North of the Texas and Pacific Railway Company Survey, Dawson County, Texas, being out of a tract of land (Tract1) described in deed to City of Lamesa, recorded in Volume 555, Page 299 of the Dawson County Official Public Records (D.C.O.P.R.), said 10.5347 acres of land being more particularly described in Exhibit A.

### **COUNCIL ACTION**

#### **DISCUSSION**

Motion by Council Member \_\_\_\_\_ to pass ordinance on second reading accepting State of Texas offer to purchase city property for State Highway Right of Way for the following property: Being 10.5347 acres of land located in Section 18, Block 35, Township 5 North of the Texas and Pacific Railway Company Survey, Dawson County, Texas, being out of a tract of land (Tract1) described in deed to City of Lamesa, recorded in Volume 555, Page 299 of the Dawson County Official Public Records (D.C.O.P.R.), said 10.5347 acres of land being more particularly described in Exhibit A. Motion seconded by Council Member \_\_\_\_\_ and upon being put to a vote the motion \_\_\_\_\_.

**VOTING:** "AYE" \_\_\_\_\_ "NAY" \_\_\_\_\_ "ABSTAIN" \_\_\_\_\_

### **CITY MANAGER'S MEMORANDUM**

**Recommend approval.**

November 30, 2015

County: Dawson  
Federal Project No.: N/A  
Highway: SH 349  
Limits From: SH 137  
Limits To: US 87

ROW CSJ: 0380-19-002  
Parcel: 9

BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED NO. 7015 0640 0004 1369 0822

City of Lamesa  
Attn: Shawna Burkhardt, City Manager  
601 S. 1<sup>st</sup> Street  
Lamesa, TX 79331

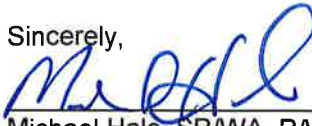
Dear Ms. Burkhardt:

As you know, it is necessary for the State of Texas, acting through the Texas Department of Transportation, to construct a highway which requires the purchase of the property referred to above. Inasmuch as negotiations to purchase this property have not been successful to date, a final offer is hereby submitted to you. According to authorization by the Texas Transportation Commission, a total sum of \$54,056.00 is offered for the required property rights, save and except oil, gas and sulphur rights with no right of exploration on the above described property, subject to clear title being secured. Any compensation that may be due to you from this Department's Relocation Assistance Program is not included in this offer because such funds are paid to eligible persons separately.

If you desire to accept this offer, please contact Michael Hale at (817) 445-1016 as soon as possible. If this offer is not accepted within fourteen (14) days from the date of delivery of this letter, it will be considered as having been rejected. We enclose herein a copy of the proposed instrument by which the property or property interest would be conveyed to the State.

If you elect to reject this offer, eminent domain proceedings will be initiated by the State. Thereafter, the Court will appoint three disinterested real property owners who reside in the County to serve as Special Commissioners, a date will be set for a hearing and you will be notified of the time and place set for the hearing at which the Special Commissioners will hear the evidence presented and arrive at an award which will be filed with the Court. The State may then deposit the amount of the award with the Court, at which time the State will be entitled to take possession of the property involved. After the deposit is made, you may withdraw your share of the award. If the award exceeds the amount of any subsequent judgment, you are required to repay the State the excess amount and any excess amount not repaid to the State may be deducted from eligible payments, if any, due to you as the property owner under the Department's Relocation Assistance Program. If either you or the State is dissatisfied with the amount of the Special Commissioners' award, objections may be filed within the time prescribed by law and the case subsequently tried before the Court as are other civil cases.

Sincerely,



Michael Hale, SR/WA, R/W-RAC, R/W-NAC,  
Right of Way Project Manager  
Cobb, Fendley & Associates, Inc. on behalf of the Texas  
Department of Transportation

Enclosure: Draft proposed conveyance instrument



**Notice of Confidentiality Rights: If you are a natural person, you may remove or strike any of the following information from this instrument before it is filed for record in the public records: your Social Security Number or your Driver's License Number.**



## **DEED**

**TxDOT ROW CSJ:** 0380-19-002

**TxDOT Parcel No.:** 9

**Grantor(s), whether one or more:**  
CITY OF LAMESA

**Grantor's Mailing Address (including county):**  
601 S. 1<sup>st</sup> Street  
Lamesa, Dawson County, Texas 79331

**Grantee:**

The State of Texas, acting by and through the Texas Transportation Commission

**Grantee's Authority:**

The Texas Transportation Commission is authorized under the Texas Transportation Code to purchase land and such other property rights (including requesting that counties and municipalities acquire highway right of way) deemed necessary or convenient to a state highway or turnpike project to be constructed, reconstructed, maintained, widened, straightened, or extended, or to accomplish any purpose related to the location, construction, improvement, maintenance, beautification, preservation, or operation of a state highway or turnpike project.

The Texas Transportation Commission is also authorized under the Texas Transportation Code, Chapter 203 to acquire or request to be acquired such other property rights deemed necessary or convenient for the purposes of operating a state highway or turnpike project, with control of access as necessary to facilitate the flow of traffic and promote the public safety and welfare on both non-controlled facilities and designated controlled access highways and turnpike projects.

**Grantee's Mailing Address (including county):**  
Texas Department of Transportation  
125 E. 11<sup>th</sup> Street  
Austin, Travis County, Texas 78701





**Consideration:**

The sum of FIFTY-FOUR THOUSAND FIFTY-SIX and 00/100 Dollars (\$54,056.00) to Grantor in hand paid by Grantee, receipt of which is hereby acknowledged, and for which no lien is retained, either expressed or implied.

**Property:**

All of that certain tract or parcel of land in Dawson County, Texas, being more particularly described in the attached Exhibit A (the "**Property**").

**Reservations from and Exceptions to Conveyance and Warranty:**

This conveyance is made by Grantor and accepted by Grantee subject to the following:

1. Visible and apparent easements not appearing of record.
2. Any discrepancies, conflicts, or shortages in area or boundary lines or any encroachments or any overlapping of improvements which a current survey would show.
3. Easements, restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and encumbrances for taxes and assessments (other than liens and conveyances) presently of record in the Official Public Records of Dawson County, Texas, that affect the property, but only to the extent that said items are still valid and in force and effect at this time.

Grantor reserves all of the oil, gas, sulfur in and under the Property but waives all rights of ingress and egress to the surface thereof for the purpose of exploring, developing, mining or drilling for same; however, nothing in this reservation shall affect the title and rights of the Grantee, its successors and assigns, to take and use all other minerals and materials thereon, therein and thereunder.

Grantor is retaining title to the following improvements ("**Retained Improvements**") located on the Property, to wit: None

Grantor covenants and agrees to remove the Retained Improvements from the Property by N/A day of N/A, 20XX, subject to such extensions of time as may be granted by Grantee in writing. In the event Grantor fails, for any reason, to remove the Retained Improvements within the time prescribed, then, without further consideration, title to all or part of such Retained Improvements not so removed shall pass to and vest in Grantee, its successors and assigns, forever.

Access on and off Grantor's remaining property to and from the State highway facility shall be permitted except to the extent that such access is expressly prohibited by the provisions set out in Exhibit "A". Grantor acknowledges that such access on and off the State highway facility is subject to regulation as may be determined by the Texas Department of Transportation to be necessary in the interest of public safety or by applicable local municipal or county zoning, platting or permitting requirements.

**GRANTOR**, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, to have and to hold it to Grantee and Grantee's successors and assigns forever. Grantor binds Grantor and Grantor's heirs, successors and assigns to Warrant and Forever Defend all and singular the Property to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to the claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

EXECUTED on the date(s) of acknowledgement indicated below.

**GRANTOR: CITY OF LAMESA**

By: \_\_\_\_\_  
Shawna Burkhart, City Manager

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Acknowledgment

State of Texas  
County of Dawson

This instrument was acknowledged before me on \_\_\_\_\_ by Shawna Burkhart, City  
Manager on behalf of The City of Lamesa.

\_\_\_\_\_  
Notary Public's Signature

HIGHWAY: SH 349  
LIMITS: From SH 137 to US 87  
COUNTY: Dawson  
ACCOUNT NO.:  
ROW CSJ: 0380-19-002  
OWNER: City of Lamesa

Property Description for Parcel 9

Being 458,892 square feet or 10.5347 acres of land located in Section 18, Block 35, Township 5 North of the Texas and Pacific Railway Company Survey, Dawson County, Texas, being out of a tract of land (Tract 1) described in deed to City of Lamesa, recorded in Volume 555, Page 299 of the Dawson County Official Public Records (D.C.O.P.R.), said 10.5347 acres of land being more particularly described as follows:

COMMENCING at a found 1/2-inch iron rod, being on the east line of a tract of land (Tract Two) described in deed to Michael C. Tyler and wife, Deena L. Tyler, recorded in Volume 705, Page 469 D.C.O.P.R., the west line of said City of Lamesa tract and the northerly right-of-way line of FM 2052 (width varies) as recorded in Volume 145, Page 403, Volume 146, Page 113 and Volume 143, Page 259 of the Dawson County Deed Records (D.C.D.R.);


THENCE North 12° 44' 37" West, along the east line of said Tyler tract and the west line of said City of Lamesa tract, a distance of 2,410.05 feet to a 5/8-inch iron rod with TxDOT aluminum cap, set, for the POINT OF BEGINNING and the southwest corner of the herein described parcel, being on the proposed southeasterly right-of-way line of SH 349, located 75.00 feet right of SH 349 Proposed Centerline Station 715+44.20;

1. THENCE North 12° 44' 37" West, continuing along the east line of said Tyler tract and the west line of said City of Lamesa tract, a distance of 150.00 feet to a found 1/2-inch iron rod with cap (un-readable) for the northwest corner of the herein described parcel, being the southwest corner of a certain tract of land described in deed to City of Lamesa, recorded in Volume 280, Page 169 D.C.D.R., the southeast corner of a certain tract of land described in deed to Roy E. Bearden, recorded in Volume 77, Page 413 D.C.D.R., the northeast corner of said Tyler tract and the northwest corner of said City of Lamesa (Tract 1) tract, being on the proposed northwesterly right-of-way line of SH 349, located 75.00 feet left of SH 349 Proposed Centerline Station 715+43.47;
2. THENCE North 77° 32' 27" East, along the proposed northwesterly right-of-way line of SH 349, the south line of said City of Lamesa tract and the north line of said City of Lamesa (Tract 1) tract, passing at a distance of 1,457.10 feet a TXDOT type II monument, set, continuing for a total distance of 2,606.63 feet to a point, for the northeast corner of the herein described parcel, being on the west right-of-way line of County Road L (as monumented and occupied, no deed of record found) called 80 feet wide in Volume 2, Page 76 of the Dawson County Plat Records (D.C.P.R.), located 106.57 feet left of SH 349 Proposed Centerline Station 741+52.23, from which a found 1/2-inch iron rod with cap stamped "RPLS 1690" bears North 77° 32' 27" East, 0.19 feet;

3. THENCE South  $12^{\circ} 42' 30''$  East, along the west right-of-way line of said County Road L, a distance of 207.10 feet to a 5/8-inch iron rod with TxDOT aluminum cap, set, for the southeast corner of the herein described parcel, being on the proposed southeasterly right-of-way line of SH 349, located 100.52 feet right of SH 349 Proposed Centerline Station 741+50.02;
4. THENCE South  $78^{\circ} 54' 58''$  West, along the proposed southeasterly right-of-way line of SH 349, passing at a distance of 1,152.57 feet a TXDOT type II monument, set, continuing for a total distance of 2,379.27 feet to a TXDOT type II monument, set, for an angle point of the herein described parcel, located 75.00 feet right of SH 349 Proposed Centerline Station 717+72.41;
5. THENCE South  $77^{\circ} 32' 27''$  West, continuing along the proposed southeasterly right-of-way line of SH 349, a distance of 228.20 feet to the POINT OF BEGINNING and containing 458,892 square feet or 10.5347 acres of land.

Bearings and coordinates are based upon the Texas Coordinate System of 1983 (NAD83)-2010 epoch, North Central Zone (4202), and are referenced to the TxDot RTN, Mountpoint NAD83\_(2010)-West\_VRS\_RTCM. All distances shown are surface values and may be converted to state plane values by dividing by the surface adjustment factor of 1.000249467. The Unit of Measure is the U.S. Survey Foot.

I, Adam N. Diehl, a Registered Professional Land Surveyor, do hereby certify that this property description is a true and correct representation of a survey made on the ground, under my direction and supervision.



Adam N. Diehl  
Registered Professional Land Surveyor  
No. 6346

# LEGEND

- D.C.P.R. - DAWSON COUNTY PLAT RECORDS
- D.C.D.R. - DAWSON COUNTY DEED RECORDS
- D.C.O.P.R. - DAWSON COUNTY OFFICIAL PUBLIC RECORDS
- OVERHEAD UTILITIES - OU
- EXIST. ROW LINE - R
- PROPERTY LINE - III
- CONTROL OF ACCESS LINE - ---
- PROPOSED R.O.W. LINE - - - -
- SECTION LINE - - - - -
- U.E. - UTILITY EASEMENT
- A.E. - AERIAL EASEMENT
- B.L. - BUILDING LINE
- I.R. - IRON ROD
- I.P. - IRON PIPE
- SET TXDOT TYPE II MON.
- SET 5/8" I.R. W/TXDOT ALUM CAP (UNLESS OTHERWISE NOTED)
- ⊙ PROPERTY CORNER (FOUND AS NOTED)

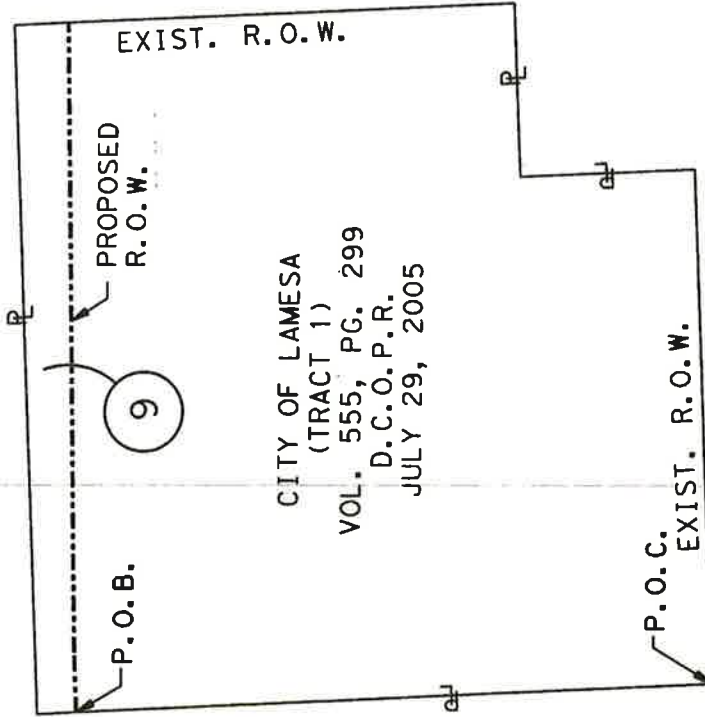
AREA TABLE			
EXISTING AC.	TAKING AC./S.F.	REMAINDER AC.	
		LEFT	RIGHT
143.2424	10.5347		132.7077
	458,892		

## NOTES:

- 1) BEARINGS AND COORDINATES ARE BASED UPON THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83)-2010 EPOCH, NORTH CENTRAL ZONE (4202), AND ARE REFERENCED TO THE TXDOT RTN, MOUNTPOINT NAD83 (2010)-WEST VRS RTM. ALL COORDINATES AND DISTANCES SHOWN ARE SURFACE VALUES AND MAY BE CONVERTED TO STATE PLANE VALUES BY DIVIDING BY THE SURFACE ADJUSTMENT FACTOR OF 1.000249467. THE UNIT OF MEASURE IS THE U.S. SURVEY FOOT.
- 2) FIELD SURVEYS PERFORMED DURING NOVEMBER & DECEMBER, 2014.
- 3) CORNERS NOT SET AT TIME OF SURVEY DUE TO ACTIVE FARMING.



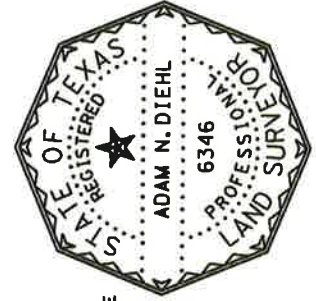
COUNTY ROAD L



FM 2052

PARCEL NO. 9

N.T.S.



I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY.

*Adam N. Diehl*  
ADAM N. DIEHL  
REGISTERED PROFESSIONAL LAND SURVEYOR  
NO. 6346

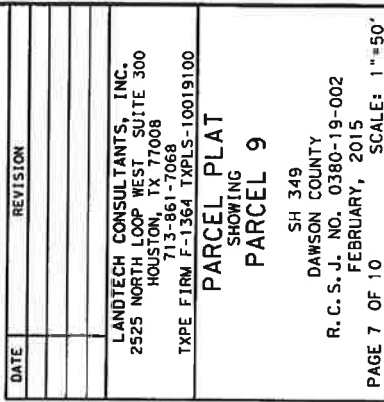
DATE	REVISION
<p>LANDTECH CONSULTANTS, INC. 2525 NORTH LOOP WEST SUITE 300 HOUSTON, TX 77008 713-861-7068 TYPE FIRM F-1364 TXPLS-10019100</p>	
<p>PARCEL PLAT SHOWING PARCEL 9 SH 349 DAWSON COUNTY R.C.S.J. NO. 0380-19-002 FEBRUARY, 2015 PAGE 3 OF 10 SCALE: N.T.S.</p>	

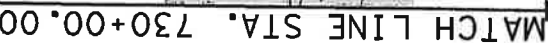










[illegible]

~~VOL. 280, PG. 169~~

D. C. D. R.

N 77° 32' 27" E 2,606.63'

PROPOSED R. O. W.

STA. 730+00.00  
OFF. 107.46' LT.

## SURVEY BASELINE

N 77° 32' 27" E 797 31'

WHEEL PATH

~~CITY OF LAMESA~~  
~~(TRACT 1)~~

VOL. 555, PG. 299

D.C.O.P.R.

PROPOSED R. O. W.

~~S 78° 54' 58" W - 2,379.27'~~

STA. 730+00.00  
OFF. 71.99' RT.

SUBJECT TO A 16.5' WIDE AMERICAN TELEPHONE AND  
TELEGRAPH CO. RIGHT-OF-WAY EASEMENT, AS RECORDED IN  
VOL. 90, PG. 515, D.C.D.R.

SUBJECT TO AN UNDEFINED EASEMENT AND RIGHT-OF-WAY  
FOR ELECTRIC TRANSMISSION LINES TO LYNTEGAR  
ELECTRIC COOPERATIVE, INC.,

AS RECORDED IN VOL. 352, PG. 161, D.C.D.R.

SUBJECT TO AN UNDEFINED RIGHT-OF-WAY FOR PIPELINE  
TO PHILLIPS PETROLEUM COMPANY, AS RECORDED IN  
VOL. 360, PG. 625, D.C.D.R.

C-5					
PI STATION	=	728+29.60			
DELTA	=	2° 32' 22.33"	(LT		
DEGREE OF CURVE	=	0° 24' 22.87"			
TANGENT	=	312.53			
LENGTH	=	624.96			
RADIUS	=	14,100.00			
PC STATION	=	725+17.07			
PT STATION	=	731+42.03			

DATE	REVISION

LANDTECH CONSULTANTS, INC.  
 2525 NORTH LOOP WEST SUITE 300  
 HOUSTON, TX 77008  
 713-861-7068  
 TYPE FIRM F-1364 TXPLS-1001100

PARCEL PLAT

SHOWING  
PAGE 1

PARCEL 9

SH 349

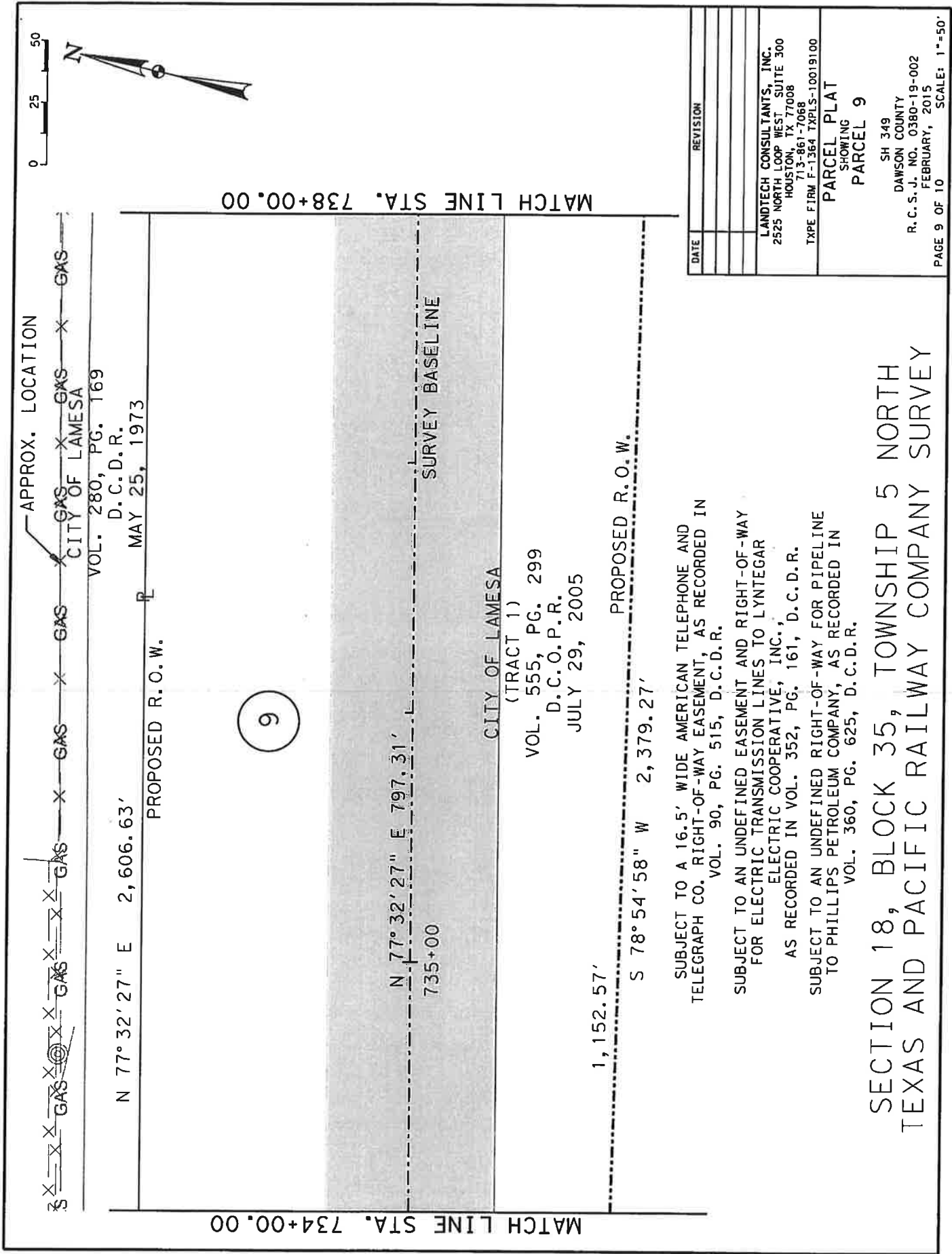
DAWSON COUNTY  
B C S J NO 0380-19-002

FEBRUARY, 2015

PAGE 8 OF 10

SCALE: 1"=5'

SECTION 18, BLOCK 35, TOWNSHIP 5 NORTH  
TEXAS AND PACIFIC RAILWAY COMPANY SURVEY





# ***City Council Agenda***

## ***City of Lamesa, Texas***

**DATE OF MEETING: DECEMBER 15, 2015**

**AGENDA ITEM: 16**

**SUBJECT: DISCUSSION OF STRATEGIC PLANNING SERVICES**  
**PROCEEDING: Resolution**  
**SUBMITTED BY: City Staff**  
**EXHIBITS: Award; Resolution**  
**AUTHORITY:**

### **SUMMARY STATEMENT**

Discussion of issuing a new Request for Qualifications for Strategic Planning Services.

### **COUNCIL ACTION**

No City Council action required.

### **CITY MANAGER'S MEMORANDUM**

City Manager will address at City Council meeting.

# ***City Council Agenda***

***City of Lamesa, Texas***

**DATE OF MEETING: DECEMBER 15, 2015**

**AGENDA ITEM: 17**

**SUBJECT: POLICY ON CONCEAL CARRY AND/OR OPEN CARRY OF  
HAND GUNS ON CITY OWNED PROPERTIES PER NEW  
TEXAS LEGISLATION**

**PROCEEDING: Action item**

**SUBMITTED BY: City Staff**

**EXHIBITS: TML information on subject matter**

**AUTHORITY: State law – House Bill 910**

## **SUMMARY STATEMENT**

Discussion of change in State law regarding carrying of handguns and discuss what the City Council wants the City policy to be regarding the carrying of handguns on City owned properties by citizens and the City policy regarding the carrying of handguns by employees acting within the scope of their duties.

## **COUNCIL ACTION**

**DISCUSSION** \_\_\_\_\_

Motion by Council Member \_\_\_\_\_ to \_\_\_\_\_. Motion seconded by Council Member \_\_\_\_\_ and upon being put to a vote the motion \_\_\_\_\_.

**VOTING:** "AYE" \_\_\_\_\_ "NAY" \_\_\_\_\_ "ABSTAIN" \_\_\_\_\_

## TML Webinar: Handgun Carry Laws Effective January 1, 2016

During the 2015 Legislative Session, the Texas Legislature passed House Bill 910 and Senate Bill 11. House Bill 910 allows a license holder to "open carry" a handgun in a holster beginning on January 1, 2016, and S.B. 11 allows a license holder to, with exceptions, carry a concealed handgun on a college campus beginning on August 1, 2016.

A city has very limited authority to prohibit a license holder from carrying in city facilities to which the general public has access. State law prohibits a license holder from carrying a handgun on the premises of: (1) a polling place on the day of an election or while early voting is in progress; and (2) any government court or offices utilized by the court, unless pursuant to written regulations or written authorization of the court. (Note: Attorney general opinion request RQ-0040-KP

(<https://www.texasattorneygeneral.gov/opinions/opinions/51paxton/rq/2015/pdf/RQ0040KP.pdf>) (July 24, 2015) asks numerous questions about the "court or offices utilized by the court" provision.)

In addition, a city has the option of posting a specific notice to prohibit a license holder from carrying in the room or rooms where a meeting of a governmental entity is held if the meeting is by a body that is subject to the Open Meetings Act. (The Texas Penal Code requires that the signs giving the notice contain certain language that is printed in a certain size.)

The League has prepared a detailed Q&A titled Cities and Firearms (</p/Aug%202015%20QA%20MunicipalGunRegulationFINAL%20with%20chart.pdf>), which explains the laws governing cities and their residents. In addition, the League will conduct a webinar (</events/stay-on-target-cities-and-firearms>) on the subject on September 10, 2015.

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**[Back to Legislative Update Index \(/legis\\_updates.asp\)](/legis_updates.asp)**

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([https://www.instagram.com/tml\\_texas](https://www.instagram.com/tml_texas))



**“Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun”**

**“Conforme a la sección 30.06 del Código Penal (Traspaso por poseedor con licencia para portar arma de de fuego oculta), Personas Con licencia bajo del sub-capítulo H, Capítulo 411, Código de Gobierno (Ley de licencias de armas de fuego) , No pueden entrar a esta propiedad con una pistola oculta”**

**“Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with an openly carried handgun”**

**“Conforme a la sección 30.07 del Código Penal (Traspaso por poseedor con licencia para portar arma de fuego abiertamente) Personas con licencia bajo del sub-capítulo H, capítulo 411, Código de Gobierno (Ley de licencias de armas de fuego), no pueden entrar a esta propiedad portando abiertamente una pistola”**

# Cities and Firearms

Legal Q&A  
(July 2015)



Scott Houston  
Deputy Executive Director and General Counsel  
Texas Municipal League  
[shouston@tml.org](mailto:shouston@tml.org)  
512-231-7400  
[www.tml.org](http://www.tml.org)

*Author's Note: During the 2015 Legislative Session, the Texas Legislature passed House Bill 910 and Senate Bill 11. House Bill 910 allows a license holder to "open carry" a handgun in a holster beginning on January 1, 2016, and S.B. 11 allows a license holder to, with exceptions, carry a concealed handgun on a college campus beginning on August 1, 2016. That legislation, combined with more frequent rallies and gatherings dedicated to the open carry of rifles, has led to confusion about the law in Texas. This Q&A will address state law and municipal authority over the regulation of "firearms" (e.g., rifles, shotguns, and handguns) in Texas.*

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### **In a nutshell, what does the new “open carry” legislation authorize?**

House Bill 910, which will be effective on January 1, 2016, modifies the current law relating to concealed handgun licenses. The bill eliminates the concealed/open carry distinction, and it creates a “license to carry a handgun.” *See generally* TEX. GOV’T CODE Chapter 411, Subchapter H.

Beginning on January 1, 2016, H.B. 910 will allow a person with a current concealed handgun license, or a person who obtains the new “license to carry a handgun,” to carry a handgun in a concealed manner or openly in a belt or shoulder holster. The rules related to where and when a license holder may openly carry are essentially identical to where and when a concealed handgun license holder can carry under current law. Of course, those rules remain complicated.

Some distinctions between concealed and open carry exist, especially related to legal notices. Those are explained below. In addition to the existing training criteria, the new license to carry a handgun class must include training on the use of restraint holsters and methods to ensure the secure carrying of openly carried handguns. *Id.* at § 411.188(b) & (g).

Another new law, S.B. 11, allows “concealed campus carry” by a license holder beginning on August 1, 2016. That bill does *not* allow open campus carry. It is discussed in detail below.

### **In what places is a person *prohibited* by state law from carrying a firearm?**

State law prohibits the carrying of certain types of firearms in certain places. A “firearm” generally means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use. TEX. PENAL CODE § 46.01(a)(3). A “handgun” is a subset of a firearm and means any firearm that is designed, made, or adapted to be fired with one hand. *Id.* § 46.01(a)(5).

A person commits a third degree felony if the person intentionally, knowingly, or recklessly possesses or goes with *any* firearm:

1. on the physical premises of a school or educational institution, any grounds or building on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution, whether the school or educational institution is public or private, unless pursuant to written regulations or written authorization of the institution (Note: Beginning August 1, 2016, a “campus concealed carry exception” will apply to this provision that will allow a license holder to carry a concealed handgun on the premises of an institution of higher education [other than the premises of a junior college, on which concealed carry will not go into effect until August 1, 2017] or private or independent institution of higher education, on any grounds or building on which an activity sponsored by the institution is being conducted, or in a passenger transportation vehicle of the institution.);

2. on the premises (“premises” generally means a building or a portion of a building, but not including any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area) of a polling place on the day of an election or while early voting is in progress;
3. on the premises of any government court or offices utilized by the court, unless pursuant to written regulations or written authorization of the court;
4. on the premises of a racetrack;
5. in or into a secured area of an airport (i.e., an area of an airport terminal building to which access is controlled by the inspection of persons and property under federal law)(Note: A new defense to this offense was added by H.B. 554, and will be effective on September 1, 2015. The defense essentially says that a license holder who makes a mistake at security by forgetting that he possesses a handgun can leave upon notice); or
6. within 1,000 feet of premises the location of which is designated by the Texas Department of Criminal Justice as a place of execution on a day that a sentence of death is set to be imposed on the designated premises and the person received notice that doing so is prohibited (unless the person is on a public road and going to or from his home or business).

*Id.* § 46.03. The exclusions above, with the exception of the “campus concealed carry exception” in (1), apply to the carrying of a firearm by any person, *regardless of whether the person holds a license to carry a handgun.* *Id.* § 46.03(f).

Handgun license holders are subject to a number of further restrictions relating to the concealed or open carrying of a handgun. For example, a license holder may not concealed or open carry a handgun:

1. if the license holder is given written notice, on the premises of a business that is licensed by the Texas Alcoholic Beverage Commission and that derives 51 percent or more of its business from the sale of alcohol;
2. if the license holder is given written notice pursuant to Penal Code Section 30.06 that concealed carrying is prohibited, on the premises where a high school, collegiate, or professional sporting event is taking place, unless the handgun is used for the event (Note: Open carry is prohibited on collegiate premises, but S.B. 11 (2015)(Penal Code Section 46.035(l)) authorizes such carry beginning August 1, 2016, and subject to rules of the institution. Thus, the notice requirement was added to this section.);
3. on the premises of a correctional facility;
4. if the license holder is given written notice pursuant to Penal Code Section 30.06 and/or 30.07 that carrying is prohibited, on the premises of a state-licensed hospital or nursing home, unless the administration has granted written permission to the license holder;
5. if the license holder is given written notice pursuant to Penal Code Section 30.06 and/or 30.07 that carrying is prohibited, in an amusement park;
6. if the license holder is given written notice pursuant to Penal Code Section 30.06 and/or 30.07 that carrying is prohibited, on the premises of a church, synagogue, or other established place of religious worship;
7. anytime the handgun is not in a belt or shoulder holster, concealed, or if the license holder is intoxicated;





8. if the license holder is given written notice pursuant to Penal Code Section 30.06 and/or 30.07 that carrying is prohibited, into any meeting of a governmental entity that is subject to the Open Meetings Act; or
9. on the premises of employment if prohibited by the license holder's employer, but an employee may generally leave a handgun in a private, locked car in parking lot.

*Id.* § 46.035(a), (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), (b)(6); (c); (d); TEX. GOV'T CODE § 411.204; TEX. LABOR CODE § 52.061 et seq.

Note: The language required in the required sign to provide notice that concealed carrying is not allowed *has been changed*, which means any old "30.06" signs must be replaced, and a new provision relating to open carry notice has been added:

- Texas Penal Code § 30.06(c)(3)(A) requires that the sign prohibiting concealed carry contain language *identical to the following*: "Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun".
- Texas Penal Code § 30.07(c)(3)(A) requires that the sign prohibiting open carry contain language *identical to the following*: "Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly".

The signs must include the *exact* language above in *both English and Spanish*, be printed in contrasting colors with block letters *at least one inch in height*, and be displayed *in a conspicuous manner clearly visible to the public*.

As one would expect, peace officers, certain security guards commissioned by the Texas Board of Private Investigators and Private Security Agencies, members of the armed forces, corrections officers, and officers of a court are exempt in certain circumstances. *Id.* § 46.03(b) & (h); § 46.15. In addition, a person convicted of a felony or a family violence offense is prohibited from possessing a firearm, with some limited exceptions. *Id.* § 46.02.

It is illegal to possess, manufacture, transport, repair or sell a machine gun ("any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger") or short-barreled gun ("a rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a shotgun or rifle if, as altered, it has an overall length of less than 26 inches"), unless federally registered under the National Firearms Protection Act. *Id.* § 46.01(10).

### **Is a person *allowed* by state law to carry a concealed handgun on college campuses?**

Beginning on August 1, 2016, a license holder may carry a *concealed* handgun on the campus of an institution of higher education or private or independent institution of higher education in this state. (“Institution of higher education” means any public technical institute, public junior college, public senior college or university, medical or dental unit, public state college, or other agency of higher education. “Private or independent institution of higher education” includes only a private or independent college or university that is organized under the Texas Non-Profit Corporation Act, exempt from taxation under the Texas Constitution and as a 501(c)(3), and accredited by the Commission on Colleges of the Southern Association of Colleges and Schools, the Liaison Committee on Medical Education, or the American Bar Association. TEX. EDUC. CODE § 61.003.) However, a license holder may not carry on the campus of a public junior college until August 1, 2017. TEX. GOV’T CODE § 411.2031(b); S.B. 11 (2015), Section 8(a) and (d). “Campus” means all land and buildings owned or leased by an institution of higher education or private or independent institution of higher education. *Id.* at § 411.2031(a)(1). This provision does *not* allow open campus carry.

An institution of higher education or private or independent institution of higher education may establish rules, regulations, or other provisions concerning the storage of handguns in dormitories or other residential facilities that are owned or leased and operated by the institution and located on the campus of the institution. *Id.* at § 411.2031(d). After following certain procedures, the president of an institution of higher education must adopt rules as necessary for campus safety, but those rules may not generally prohibit concealed carrying. *Id.* at § 411.2031(d-1)&(d-2)(The board of regents may, by a two-thirds vote, overrule the decisions of the president relating to the rules). If the rules prohibit carrying in any particular premises, the institution must give notice pursuant to Section 30.06, Penal Code. *Id.* It appears that the rulemaking authority is meant to allow an institution to prohibit carrying in sensitive areas, such as those related to secret research or similar endeavors. Any institution that adopts such rules must annually submit them to the legislature explaining why it has done so. *Id.* at § 411.2031(d-4)

A private or independent institution of higher education may also establish rules prohibiting license holders from carrying handguns on the campus of the institution, any grounds or building on which an activity sponsored by the institution is being conducted, or a passenger transportation vehicle owned by the institution. *Id.* at § 411.2031(e). This provision was explained on the Senate floor as balancing Second Amendment rights with private property rights.

The campus carry law creates a criminal offense for a license holder who carries a partially or wholly visible handgun, regardless of whether the handgun is holstered, and intentionally or knowingly displays the handgun in plain view of another person: (1) on the premises of an institution of higher education or private or independent institution of higher education; or (2) on any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area of an institution of higher education or private or independent institution of higher education. TEX. PENAL CODE § 46.035(a-1). It also creates a criminal offense for a license holder who carries a concealed handgun on the campus of a private or independent institution of

higher education that has prohibited carry by rule and given notice under Penal Code Section 30.06 that carrying is prohibited. *Id.* at § 46.035(a-2). Finally, it creates a criminal offense for a license holder who carries a concealed handgun in any area on the campus of an institution of higher education in which the institution has by rule prohibited such carry. *Id.* at § 46.035(a-3).

**In what places is a person *allowed* by state law to *openly* carry a firearm?**

***Long Guns (e.g., Rifles and Shotguns)***

The state has no licensing scheme for long guns. Because state law governs firearms, and because it does not prohibit the carrying of a rifle or shotgun in a public place, a person is generally allowed to carry those weapons in public in Texas.

Article I, Section 23, of the Texas Constitution, the “Right to Keep and Bear Arms” provision, provides that:

Every citizen shall have the right to keep and bear arms in the lawful defense of himself or the State; but the Legislature shall have power, by law, to regulate the wearing of arms, with a view to prevent crime.

The above provision is the starting point for whether a person may possess or openly carry a firearm. It allows lawful carrying of firearms, but it also authorizes the state legislature to regulate to prevent crime. Contrary to the opinion of some, neither the Texas Constitutional provision above, nor the U.S. Constitutional provision, is absolute. U.S. Const., Amend. II (“A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.”); *District of Columbia v. Heller*, 554 U.S. 570 (2008)(“the Second Amendment right is not unlimited...[i]t is not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.”); *Reyes v. State*, 906 S.W.2d 256 (Tex. App. – Fort Worth, 1995), petition for discretionary review granted, reversed 938 S.W.2d 718, rehearing on petition for discretionary review denied (State constitutional right to bear arms does not prevent legislature from prohibiting possession of arms with intent to prevent crime.).

***Handguns without a License***

The open carry of handguns in public is prohibited in Texas, unless the person holds a license to carry a handgun (see next question). An unlicensed person may carry a handgun on private property or in a car or boat (technically, in a “watercraft”). A handgun in a car or boat must be concealed. Carrying a concealed handgun in a car or boat does not require a handgun license. More specifically, the Penal Code provides that a person commits a Class A misdemeanor if he or she intentionally, knowingly, or recklessly carries on or about his or her person a handgun if the person is not: (1) on the person’s own premises or premises under the person’s control; or (2) inside of or directly en route to a motor vehicle or watercraft that is owned by the person or under the person's control. TEX. PENAL CODE § 46.02(a).

In addition, a person commits an offense if the person intentionally, knowingly, or recklessly carries on or about his or her person a handgun in a motor vehicle or watercraft that is owned by the person or under the person's control at any time in which: (1) the handgun is in plain view; or (2) the person is engaged in criminal activity, other than a Class C misdemeanor that is a violation of a law or ordinance regulating traffic or boating. *Id.* § 46.02(a-1). Also, a person may not carry a handgun if prohibited by law from doing so (e.g., if the person is on parole or probation or is a member of a criminal street gang).

Courts have concluded that states have a right to regulate the carrying of handguns, and that neither the Texas nor U.S. Constitutions limit that authority. (The constitutional right "to keep or bear arms in self-defense or in the defense of the state," is no defense to an indictment for carrying a pistol contrary to the statute. *Heller*, 554 U.S. 570; *Masters v. State*, 685 S.W.2d 654 (Tex. Crim. App. 1985), certiorari denied 106 S.Ct. 155, 474 U.S. 853, 88 L.Ed.2d 128 (Article 1, Section 23, of the Texas Constitution, providing that the legislature shall have power to regulate wearing of arms authorizes Penal Code limitations that define the crime of unlawfully carrying a weapon.).

### ***Handguns with a License***

A license holder may generally openly carry a handgun in a hip or shoulder holster beginning January 1, 2016. But see the previous questions ("In what places is a person *prohibited* by state law to carry a firearm?" and "Is a person *allowed* by state law to carry a concealed handgun on college campuses?") for numerous limitations on that authority.

### **In what places is a person *allowed* by state law to *concealed* carry a firearm?**

#### ***Long Guns (e.g., Rifles and Shotguns)***

The state has no licensing scheme for long guns. Because state law governs firearms, and because it does not prohibit the carrying of a rifle or shotgun in a public place, a person is generally allowed to carry those weapons in public in Texas.

### ***Handguns without a License***

An unlicensed person may carry a handgun on private property or in a car or boat (technically, in a "watercraft"). A handgun in a car or boat must be concealed. Carrying a concealed handgun in a car or boat does not require a handgun license. More specifically, the Penal Code provides that a person commits a Class A misdemeanor if he or she intentionally, knowingly, or recklessly carries on or about his or her person a handgun if the person is not: (1) on the person's own premises or premises under the person's control; or (2) inside of or directly en route to a motor vehicle or watercraft that is owned by the person or under the person's control. TEX. PENAL CODE § 46.02(a).

In addition, a person commits an offense if the person intentionally, knowingly, or recklessly carries on or about his or her person a handgun in a motor vehicle or watercraft that is owned by

the person or under the person's control at any time in which: (1) the handgun is in plain view; or (2) the person is engaged in criminal activity, other than a Class C misdemeanor that is a violation of a law or ordinance regulating traffic or boating. *Id.* § 46.02(a-1). Also, a person may not carry a handgun if prohibited by law from doing so (e.g., if the person is on parole or probation or is a member of a criminal street gang).

### ***Handguns with a License***

A license holder may generally concealed carry a handgun. *See generally* TEX. GOV'T CODE Chapter 411, Subchapter H. But see the previous questions ("In what places is a person *prohibited* by state law to carry a firearm?" and "Is a person *allowed* by state law to carry a concealed handgun on college campuses?") for numerous limitations on that authority.

### **In what ways does state law expressly *preempt* a city from regulating firearms?**

State law relating to firearms expressly preempts municipal authority over: (1) the transfer, private ownership, keeping, transportation, licensing, or registration of firearms, air guns, ammunition, or firearm or air gun supplies; or (2) the discharge of a firearm or air gun (e.g., a pellet, BB, or paintball gun) at a sport shooting range (defined as a business establishment, private club, or association that operates an area for the discharge or other use of firearms for silhouette, skeet, trap, black powder, target, self-defense, or similar recreational shooting). TEX. LOCAL GOV'T CODE §§ 229.001(a); 229.001(e)(1) & (e)(2).

In addition, S.B. 273 passed in 2015. The bill is effective on September 1, 2015, and provides that: (1) a state agency or a political subdivision of the state may not provide notice that a concealed handgun licensee is prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity unless license holders are actually prohibited by state law from carrying a handgun on the premises; (2) a state agency or a political subdivision of the state that improperly posts notice is liable for a civil penalty of: (a) not less than \$1,000 and not more than \$1,500 for the first violation; and (b) not less than \$10,000 and not more than \$10,500 for the second or a subsequent violation; (3) a citizen of this state or a person licensed to carry a concealed handgun may file a complaint with the attorney general that a state agency or political subdivision has improperly posted notice; (4) before a suit may be brought against a state agency or a political subdivision of the state for improperly posting notice, the attorney general must investigate the complaint to determine whether legal action is warranted; (5) if legal action is warranted, the attorney general must give the chief administrative officer of the agency or political subdivision charged with the violation a written notice that gives the agency or political subdivision 15 days from receipt of the notice to remove the sign and cure the violation to avoid the penalty; and (6) if the attorney general determines that legal action is warranted and that the state agency or political subdivision has not cured the violation within the 15-day period, the attorney general or the appropriate county or district attorney may sue to collect the civil penalty, and the attorney general may also file a petition for a writ of mandamus or apply for other appropriate equitable relief.

As written, the bill applies only to a concealed handgun sign under Texas Penal Code Section 30.06. It will likely be amended in 2017 to apply to the new open carry sign under Section 30.06.

**In what ways does state law expressly *authorize* a city to regulate firearms?**

The Local Government Code expressly authorizes a city to regulate the following:

1. the discharge of firearms or air guns within the limits of the city, other than at a sport shooting range (a city can prohibit or regulate the discharge of a firearm or other weapons within the city's original city limits, but may not do so in annexed areas and the extraterritorial jurisdiction in certain circumstances—see next question). Tex. Atty. Gen. Op. No. GA-0862 (2011);
2. the use of property, the location of a business, or uses at a business under the city's fire code, zoning ordinance, or land-use regulations as long as the code, ordinance, or regulations are not used to circumvent the prohibition against regulating the transfer, private ownership, keeping, transportation, licensing, or registration of firearms, air guns, ammunition, or firearm or air gun supplies, or the discharge of a firearm or air gun at a sport shooting range;
3. the use of firearms or air guns in the case of an insurrection, riot, or natural disaster if the city finds the regulations necessary to protect public health and safety (This exception does not authorize the seizure or confiscation of any firearm, air gun, or ammunition from an individual who is lawfully carrying or possessing the firearm, air gun, or ammunition);
4. the carrying of a firearm or air gun by a person *other than a person licensed to carry a handgun* at a:
  - a. public park (For example, a city could prohibit anyone other than a handgun license holder from carrying a firearm in a city park. Tex. Atty. Gen. Op. No. DM-364 (1995));
  - b. public meeting of a municipality, county, or other governmental body (A city may prohibit a license holder from attending a meeting with a handgun by posting notice under Penal Code Sections 30.06 and/or 30.07 that doing so is prohibited);
  - c. political rally, parade, or official political meeting; or
  - d. nonfirearms-related school, college, or professional athletic event;

(Note: Items 4a and 4b do not allow municipal regulation if the firearm or air gun is in or is carried to or from an area designated for use in a lawful hunting, fishing, or other sporting event and the firearm or air gun is of the type commonly used in the activity. TEX. LOCAL GOV'T CODE § 229.001(c).)

5. the hours of operation of a sport shooting range, except that the hours of operation may not be more limited than the least limited hours of operation of any other business in the

municipality other than a business permitted or licensed to sell or serve alcoholic beverages for on-premises consumption; or

6. the carrying of an air gun by a minor on: (a) public property; or (b) private property without consent of the property owner.

*Id.* § 229.001(b). The exceptions above are relatively narrow. For example, the Local Government Code preempts a city housing authority from regulating a tenant's otherwise lawful possession of firearms. Tex. Atty. Gen. Op. No. DM-71 (1991).

Moreover, if a city regulates in violation of state law, the attorney general may bring an action in the name of the state to obtain a temporary or permanent injunction against the violation. TEX. LOCAL GOV'T CODE § 229.001(f).

S.J.R. 22 will be put to the Texas voters on November 3, 2015. The bill proposes an amendment to the Texas Constitution (a new Section 34 to Article I) that will: (1) enshrine in that document that the people have the right to hunt, fish, and harvest wildlife, including by the use of traditional methods, subject to laws or regulations to conserve and manage wildlife and preserve the future of hunting and fishing; and (2) provide that: (a) hunting and fishing are preferred methods of managing and controlling wildlife; (b) the amendment does not affect any provision of law relating to trespass, property rights, or eminent domain; and (c) the amendment does not affect the power of the legislature to authorize a city to regulate the discharge of a weapon in a populated area in the interest of public safety. The amendment actually clarifies existing law relating to city regulation of the discharge of firearms.

### **In what ways does state law expressly *prohibit* city regulation of firearms?**

In addition to the general state law preemption of municipal authority discussed in the question above, other laws have been enacted in recent sessions that expressly prohibit municipal regulation in certain circumstances.

At the request of various landowners and other groups, the legislature amended state law in 2005 (S.B. 734) to limit municipal authority over certain firearms discharges. According to the bill analysis for the legislation:

In some parts of the state, large tracts of land that have traditionally been used for hunting leases have been annexed. Upon annexation, the municipality frequently informs the owners of these large tracts that they can no longer discharge firearms on the property, thereby ending their right to lease their property for hunting. Many owners of these large tracts depend on the revenue generated from their hunting leases.

Because of that analysis and the subsequent passage of legislation, a city may not apply a regulation relating to the discharge of firearms or other weapons in the extraterritorial



jurisdiction of the city or in an area annexed by the municipality after September 1, 1981, if the firearm or other weapon is:

1. a shotgun, air rifle or pistol, BB gun, or bow and arrow discharged on a tract of land of 10 acres or more and more than 150 feet from a residence or occupied building located on another property in a manner not reasonably expected to cause a projectile to cross the boundary of the tract; or
2. a center fire or rim fire rifle or pistol of any caliber discharged on a tract of land of 50 acres or more and more than 300 feet from a residence or occupied building located on another property; and in a manner not reasonably expected to cause a projectile to cross the boundary of the tract.

TEX. LOCAL GOV'T CODE § 229.002. The 1981 date is relevant because that was the date of enactment of another law commonly known as the Agriculture Protection Act (APA) – Chapter 251 of the Agriculture Code. The APA generally prohibits a city from applying nuisance regulations to an agricultural operation if doing so would negatively affect the operation. The Local Government Code provisions reference back to the APA, which makes the firearms limitations above retroactive to property annexed after 1981.

The law, in response to alleged shotgun pellets raining down on a school adjacent to a dove lease, was later amended to give cities in Collin and Tarrant Counties additional authority. *Id.* §§ 229.003 & 229.004.

### **Can a city prohibit firearms in a city building or facility?**

#### ***Concealed or Open Handgun Carry by Handgun License Holder***

A city has very limited authority to prohibit a license holder from carrying in city facilities to which the general public has access. As mentioned in the second question, above, state law prohibits a license holder from carrying a handgun on the premises: (1) of a polling place on the day of an election or while early voting is in progress; and (2) any government court or offices utilized by the court, unless pursuant to written regulations or written authorization of the court. In addition, a city has the option of posting a specific notice to prohibit a license holder from carrying in the room or rooms where a meeting of a governmental entity is held and if the meeting is an open meeting subject to the Open Meetings Act. TEX. PENAL CODE § 46.035(c) & (i); § 30.06 & 30.07. (Texas Penal Code § 30.06(c)(3)(A) & 30.07(c)(3)(A) require that the sign giving the notice contain certain language that is printed in a certain size.)

The law also allows a person to receive notice from the owner of the property (i.e., the city) or someone with apparent authority to act for the owner by oral or written communication. TEX. PENAL CODE § 30.06(b) & 30.07(b). In other words, a city employee could ask a license holder who is carrying to leave a meeting, even if the written notice is not posted, if the city council has enacted a prohibition. Another method of providing notice could be a card to hand to attendees or the printing of the Penal Code 30.06 or 30.07 statements on the actual agenda. *Id.* at § 30.06(c)(3)(A) & 30.07(c)(3)(A).

The ignoring of notice by a license holder is a Class C misdemeanor, except that the offense is a Class A misdemeanor if it is shown on the trial of the offense that, after entering the property, the license holder was personally given the notice by oral communication and subsequently failed to depart. *Id.* at § 30.06(d) & 30.07(d).

City councilmembers or other city officials who hold a handgun license have no special right to carry a handgun into a meeting. However, if a city council does not post notice that license holders are prohibited from carrying their handguns in the meeting room, *any* license holder may do so (unless the building where the meeting room is located also houses a polling place during an election or a city's municipal court and/or and office used by the court).

A "no firearms allowed" or similar sign has no effect on a license holder's ability to carry a handgun on property in which he is otherwise lawfully present. *Id.* § 30.05(f). But the fact that a person holds a license does not grant him any special right of access to city buildings and facilities that are not open to the general public. In other words, a city can't deny a license holder from carrying where he is otherwise authorized to be, but a city can prohibit any person who is not a city employee from going into certain areas.

### ***Firearms in General***

Yes, so long as the city provides notice that carrying firearms is prohibited in the building. Under Penal Code 30.05(a)(1) & (2), the state's criminal trespass statute, "[a] person commits an offense if the person enters or remains on or in property of another...without effective consent and the person: had notice that the entry was forbidden...or received notice to depart but failed to do so."

"Notice" means oral or written communication by the owner or someone with apparent authority to act for the owner. A sign or signs posted on the property or at the entrance to the building, reasonably likely to come to the attention of intruders, indicating that entry is forbidden while carrying a firearm should be sufficient. TEX. PENAL CODE § 30.05(b)(A) & (C). In other words, a sign stating "No Firearms Allowed" should be sufficient.

The penalty under the criminal trespass statute would generally be a Class B misdemeanor. However, it is a Class A misdemeanor if a person carries a deadly weapon during the commission of the offense or is on a "Critical infrastructure facility." A critical infrastructure facility means, among other places, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders:

1. an electrical power generating facility, substation, switching station, electrical control center, or electrical transmission or distribution facility;
2. a water intake structure, water treatment facility, wastewater treatment plant, or pump station; or
3. a natural gas transmission compressor station.

*Id.* § 30.05. Certain public safety officers and employees of the owner are exempt from this provision. *Id.* § 30.05(e).

**What federal law governs a police officer's authority to question a person who is legally carrying a firearm?**

The Fourth Amendment of the U.S. Constitution. That amendment protects “[t]he right of the people to be secure in their persons...against unreasonable searches and seizures.” U.S. CONST., Amend. IV. “The Fourth Amendment does not proscribe all contact between the police and citizens, but is designed ‘to prevent arbitrary and oppressive interference by enforcement officials with the privacy and personal security of individuals.’” *I.N.S. v. Delgado*, 466 U.S. 210, 215 (1984) (quoting *United States v. Martinez-Fuerte*, 428 U.S. 543, 554 (1976)).

Although brief encounters between police and citizens require no objective justification, it is clearly established that an investigatory detention of a citizen by an officer must be supported by reasonable articulable suspicion that the individual is engaged in criminal activity. *Terry v. Ohio*, 392 U.S. 1 (1968); *United States v. Weaver*, 282 F.3d 302, 309 (4th Cir. 1968).

And, “where a state permits individuals to openly carry firearms, the exercise of this right, without more, cannot justify an investigatory detention.” *U.S. v. Black*, 707 F.3d 531 (4th Cir. 2013). At least one federal appeals court has stated that “permitting such a justification would eviscerate Fourth Amendment protections for lawfully armed individuals in those states.” *Id.*

City employees should arguably follow the same restrictions. For example, if a person enters a city library or recreation facility with a holstered handgun, the employees should do nothing unless the person causes a disturbance. If that happens, summoning law enforcement is the best course of action. In every case, each law enforcement agency should consult with legal counsel to understand its authority to investigate a person who is openly carrying in Texas.

**Can a police officer arrest or disarm a person who is legally carrying a long gun (e.g., a rifle or shotgun) in public?**

Not without a reasonable suspicion of other illegal conduct. Because the Texas Constitution allows it, and because the legislature has not prohibited it, carry of a long gun is legal.

Of course, state law does provide restrictions to ensure public safety. Penal Code Section 42.01 governs disorderly conduct. It provides that a person commits a Class B misdemeanor offense if he or she intentionally or knowingly “displays a firearm or other deadly weapon in a public place in a manner calculated to alarm.” TEX. PENAL CODE § 42.01(8); *see also* TEX. LOCAL GOV'T CODE § 229.001(7)(d).

If a peace officer encounters a person with a long gun, it is within his or her authority to inquire about the weapon. However, if the person is not holding the weapon at ready, pointing the

weapon, brandishing it in a threatening manner, or otherwise using it in a manner calculated to cause alarm, the officer—without more—has limited authority to disarm the person.

**Are there specific rules relating to whether a police officer can question or disarm a person who is openly carrying a holstered handgun in public?**

Yes. State law gives a peace officer more authority to disarm a license holder who is carrying a handgun than it does for a non-licensed long gun carrier. See TEX. GOV'T CODE § 411.207. If a license holder is carrying a handgun on or about the license holder's person when a peace officer demands that the license holder display identification, the license holder shall display both the license holder's driver's license or identification certificate and the license holder's handgun license. *Id.* at § 411.205.

Moreover, a peace officer who is acting in the lawful discharge of the officer's official duties may disarm a license holder at any time the officer reasonably believes it is necessary for the protection of the license holder, officer, or another individual. The peace officer shall return the handgun to the license holder before discharging the license holder from the scene if the officer determines that the license holder is not a threat to the officer, license holder, or another individual and if the license holder has not violated any law that results in arrest. *Id.* at § 411.207(a).

**Can you show in chart form the basic rules for where a private individual can carry a firearm?**

Absolutely. This chart does not cover every situation, but rather provides a general overview as to where a private citizen may carry a firearm (i.e., it doesn't list exceptions for peace officers, etc.). It is not meant as legal advice.

Activity/Location:		Allowed?	Legal Basis:
<b>Any Firearm</b>			
Physical premises of a school or educational institution (But see licensed campus carry, under "Handgun Concealed Carry," below.)		No, unless pursuant to written regulations or written authorization of the institution	Penal Code 46.03(a)(1)
Grounds or building on which an activity sponsored by a school or educational institution is being conducted (But see licensed campus carry, under "Handgun Concealed Carry," below.)		No, unless pursuant to written regulations or written authorization of the institution	Penal Code 46.03(a)(1)
Passenger transportation vehicle of a school or educational institution, whether the school or educational institution is public or private (But see licensed campus carry, under "Handgun Concealed Carry," below.)		No, unless pursuant to written regulations or written authorization of the institution	Penal Code 46.03(a)(1)
Premises of a polling place on the day of an election or while early voting is in progress (i.e., "premises" means a building or a portion of a building. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area.)		No	Penal Code 46.03(a)(2)
Premises that house court or court offices		No, unless authorized by court rules	Penal Code 46.03(a)(3) (No sign required but 30.06 and 30.07 signs recommended to give license holder notice that court or court office is in building)
Premises of a racetrack		No	Penal Code 46.03(a)(4)
Secured area of an airport (i.e., an area of an airport terminal building to which access is controlled by the inspection of persons and property under federal law)		No	Penal Code 46.03(a)(5)
Within 1,000 feet of a place of execution on a day that a sentence of death is set to be imposed on the designated premises		No, so long as the person received notice that doing so is prohibited (unless the person is on a public road and going to or from his or her home or business)	Penal Code 46.03(a)(6) & 46.03(i)
<b>Handguns Open Carry (No License)</b>			
Person's own premises or premises under the person's control		Yes	Penal Code 46.02(a)
Generally anywhere else		No	Penal Code 46.02
<b>Handgun Concealed Carry (No License)</b>			
In car or water craft		Yes, no license required	Penal 46.02(a)
Generally anywhere else - no license		No	Gov't Code ch. 411; Penal Code 46.02
<b>Handgun Concealed Carry (With License)</b>			
In car or water craft		Yes	Penal Code 46.02(a)
Generally anywhere else with license		Yes, so long as concealed	Gov't Code ch. 411; Penal Code 46.035
On property of another if receives 30.06 notice that not allowed		No, so long as 30.06 sign is properly posted	Penal Code 30.06 (Note: It is an exception to the application of this authority to prohibit that the property on which the license holder carries a handgun is owned or leased by a governmental entity and is not a premises or other place on which the license holder is prohibited from carrying the handgun by other, express provisions listed herein.)
Government meeting		Yes, unless 30.06 sign posted	Penal Code 30.06; 46.035(c)&(i)
Anytime the handgun is not concealed or the license holder is intoxicated		No	Penal Code 46.035(a)&(d)
Premises of a TABC-licensed business that derives 51 percent from the sale of alcohol		No, sign should be posted	Penal Code 46.035(b)(1); Gov't Code 411.204(a)
Premises of a high school, collegiate, or professional sporting event (unless sport shooting event)		No, until August 1, 2016. After that, yes, unless 30.06 sign is posted.	Penal Code 46.035(b)(2)&(l)
Premises of a correctional facility		No	Penal Code 46.035(b)(3)
Hospital or nursing home		No, unless written authorization from administrator to license holder	Penal Code 46.035(b)(4); Gov't Code 411.204(b)

Activity/Location:	Allowed?	Legal Basis:
Amusement park or premises of an established place of worship	Yes, unless 30.06 sign posted	Penal Code 46.035(b)(5)&(6) & (i), 30.06
Physical premises of a school or educational institution.	Generally no, unless pursuant to written regulations or written authorization of the institution (But see campus carry, below)	Penal Code 46.03(1)
Campus concealed carry: physical premises of an institution of higher education or private or independent institution of higher education	Yes, beginning August 1, 2016 (except for public junior colleges, which begins on August 1, 2017), but subject to the rules adopted by the institution and noticed by a 30.06 sign	Penal Code 46.03(a)(1)(B)
Grounds or building on which an activity sponsored by a school or educational institution is being conducted	Generally no, unless pursuant to written regulations or written authorization of the institution (But see campus carry, below)	Penal Code 46.03(1)
Campus concealed carry: grounds or building on which an activity sponsored by a school or educational institution is being conducted	Yes, beginning August 1, 2016 (except for public junior colleges, which begins on August 1, 2017), but subject to the rules adopted by the institution and noticed by a 30.06 sign	Penal Code 46.03(a)(1)(B)
A passenger transportation vehicle of a school or educational institution, whether the school or educational institution is public or private	Generally no, unless pursuant to written regulations or written authorization of the institution (But see campus carry, below)	Penal Code 46.03(1)
Campus concealed carry: a passenger transportation vehicle of a school or educational institution, whether the school or educational institution is public or private	Yes, beginning August 1, 2016 (except for public junior colleges, which begins on August 1, 2017), but subject to the rules adopted by the institution and noticed by a 30.06 sign	Penal Code 46.03(a)(1)(B)
Premises of a polling place on the day of an election or while early voting is in progress (i.e., "premises" means a building or a portion of a building. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area.)	No	Penal Code 46.03(2)
Premises that house court or court offices	No, unless authorized by court rules	Penal Code 46.03(a)(3)&(f). (No sign required but 30.06 sign recommended)
Premises of a racetrack	No	Penal Code 46.03(4)
A secured area of an airport (i.e., an area of an airport terminal building to which access is controlled by the inspection of persons and property under federal law)	No	Penal Code 46.03(5)
Within 1,000 feet of a place of execution on a day that a sentence of death is set to be imposed on the designated premises	No, so long as the person received notice that doing so is prohibited (unless the person is on a public road and going to or from his home or business)	Penal Code 46.03(6) & 46.03(i)
Premises of employment	Yes, unless the public or private employer prohibits as to employees only, but allowed in locked car in parking lot	Gov't Code 411.203; Labor Code 52.061 et seq.
	<b>Handgun open carry in belt or shoulder holster (with license)</b>	
In car or water craft	Yes	46.02(a)
Generally anywhere else with license	Yes, so long holstered	Gov't Code ch. 411; Penal Code 46.035
On property of another if receives 30.07 notice that not allowed	No, so long as 30.07 sign is properly posted	Penal Code 30.07 (Note: It is an exception to the application of this authority to prohibit that the property on which the license holder carries a handgun is owned or leased by a governmental entity and is not a premises or other place on which the license holder is prohibited from carrying the handgun by other, express provisions listed herein.)

Activity/Location:		Allowed?	Legal Basis:
Government meeting		Yes, unless 30.07 sign posted	Penal Code 30.07; 46.035(c)&(i)
Anytime the handgun is not holstered or the license holder is intoxicated		No	Penal Code 46.035(a)&(d)
Premises of a TABC-licensed business that derives 51 percent from the sale of alcohol		No, sign should be posted	Penal Code 46.035(b)(1); Gov't Code 411.204(a)
Premises of a high school, collegiate, or professional sporting event (unless sport shooting event)		No	Penal Code 46.035(b)(2)
Premises of a correctional facility		No	Penal Code 46.035(b)(3)
Hospital or nursing home		No, unless written authorization from administrator to license holder; sign should be posted	Penal Code 46.035(b)(3); Gov't Code 411.204(b)
Amusement park or premises of an established place of worship		Yes, unless 30.07 sign posted	Penal Code 46.035(b)(5)&(6) & (i); 30.07
Physical premises of a school or educational institution.		No, unless pursuant to written regulations or written authorization of the institution	Penal Code 46.03(a)(1)
Grounds or building on which an activity sponsored by a school or educational institution is being conducted		No, unless pursuant to written regulations or written authorization of the institution	Penal Code 46.03(a)(1)
A passenger transportation vehicle of a school or educational institution, whether the school or educational institution is public or private		No, unless pursuant to written regulations or written authorization of the institution	Penal Code 46.03(a)(1)
Premises of a polling place on the day of an election or while early voting is in progress (i.e., "premises" means a building or a portion of a building. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area.)		No	Penal Code 46.03(2)
Premises that house court or court offices		No, unless authorized by court rules	Penal Code 46.03(a)(3)&(f). (No sign required but 30.07 sign recommended)
Premises of a racetrack		No	Penal Code 46.03(4)
A secured area of an airport (i.e., an area of an airport terminal building to which access is controlled by the inspection of persons and property under federal law)		No	Penal Code 46.03(5)
Within 1,000 feet of a place of execution on a day that a sentence of death is set to be imposed on the designated premises		No, so long as the person received notice that doing so is prohibited (unless the person is on a public road and going to or from his home or business)	Penal Code 46.03(6) & 46.03(i)
Premises of employment		Yes, unless the public or private employer prohibits as to employees only, but allowed in locked car in parking lot	Gov't Code 411.203; Labor Code 52.061 et seq.
<b>Rifle/shotgun carry</b>			
Generally in public place (e.g., sidewalks, public square, etc.)		Yes, subject to disorderly conduct	Tex Const Art. I, Sec. 8; Penal Code 42.01
Any place a 30.05 "No firearms" allowed posted by owner, including city-owned facility		No (Note: a "no firearms" sign would have no effect as to a <i>handgun</i> carried openly or concealed by a license holder. Only a 30.06 and/or 30.07 sign is effective as to that.)	Penal Code 30.05
Public or private facility where "No Firearms" or similar notice given		No	Penal Code 30.05
Physical premises of a school or educational institution		No, unless pursuant to written regulations or written authorization of the institution	Penal Code 46.03(1)
Grounds or building on which an activity sponsored by a school or educational institution is being conducted		No, unless pursuant to written regulations or written authorization of the institution	Penal Code 46.03(1)
Passenger transportation vehicle of a school or educational institution, whether the school or educational institution is public or private		No, unless pursuant to written regulations or written authorization of the institution	Penal Code 46.03(1)
Premises of a polling place on the day of an election or while early voting is in progress (i.e., "premises" means a building or a portion of a building. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area.)		No	Penal Code 46.03(2)



Activity/Location:	Allowed?	Legal Basis:
Premises that house court or court offices	No, unless authorized by court rules	Penal Code 46.03(a)(3)&(f) (No sign required but 30.06 and 30.07 sign recommended to give license holder notice that court or court office is in building)
Premises of a racetrack	No	Penal Code 46.03(4)
Secured area of an airport (i.e., an area of an airport terminal building to which access is controlled by the inspection of persons and property under federal law)	No	Penal Code 46.03(5)
Within 1,000 feet of a place of execution on a day that a sentence of death is set to be imposed on the designated premises	No, so long as the person received notice that doing so is prohibited (unless the person is on a public road and going to or from his or her home or business.)	Penal Code 46.03(6) & 46.03(i)

# ***City Council Agenda***

## ***City of Lamesa, Texas***

**DATE OF MEETING: DECEMBER 15, 2015**

**AGENDA ITEM: 18**

**SUBJECT: UTILITIES DIRECTOR REPORT**  
**PROCEEDING:**  
**SUBMITTED BY: City Staff**  
**EXHIBITS:**  
**AUTHORITY:**

### **SUMMARY STATEMENT**

Utilities Director to report on the city's recent events:

- a. Ground Storage Tank and Main Repairs
- b. Roundtree Water Chlorination

### **COUNCIL ACTION**

No City Council action required.

### **CITY MANAGER'S MEMORANDUM**

Dionicio Garza, Utilities Director, will present an overview of recent events.

# ***City Council Agenda***

## ***City of Lamesa, Texas***

**DATE OF MEETING: DECEMBER 15, 2015**

**AGENDA ITEM: 19**

**SUBJECT: FINANCIAL REPORT**  
**SUBMITTED BY: Finance Director**  
**EXHIBITS: Financial Report**

### **SUMMARY STATEMENT**

Financial reports for November 2015 for City Council review and discussion. (Financials will be placed on dais.)

### **COUNCIL ACTION**

No Council action required.

### **CITY MANAGER'S MEMORANDUM**

Wayne Chapman, Finance Director, will present an overview of the City's Financial reports.

# ***City Council Agenda***

## ***City of Lamesa, Texas***

**DATE OF MEETING: DECEMBER 15, 2015**

**AGENDA ITEM: 20**

**SUBJECT: CITY MANAGER REPORT**  
**SUBMITTED BY: City Manager**

### **SUMMARY STATEMENT**

City Manager to report on current activities and answer questions from the City Council.

- Northland Communication correspondence
- Update on Atmos Energy correspondence

### **COUNCIL ACTION**

No City Council action required.

### **CITY MANAGER'S MEMORANDUM**

City Manager will present an overview on current activities in the City. Please see attached correspondence from Northland Communications and Atmos Energy.



November 10, 2015

City of Lamesa  
601 South First Street  
Lamesa, Texas 79331-6247  
Attention: City Secretary

101 Stewart St., Suite 700  
Seattle, Washington 98101  
FAX: (206) 623-9015  
(206) 621-1351

Re: Northland Cable Ventures LLC dba Northland Communications ("Northland")/Lamesa, Texas service area (the "System") – Notice of Potential Channel Lineup Change and Rate Increase (the "Notice")

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To Whom It May Concern:

Absent a renewal or extension of Northland's agreement to carry certain broadcast stations in the System, Northland's right will expire on December 31, 2015. As a result, Northland may be required to cease carriage of certain broadcast stations after December 31, 2015 without further notice if a mutually acceptable agreement is not reached by the parties before that date. Further, Northland may change carriage of certain channels on or after December 31, 2015. Northland is negotiating with the broadcast stations in an effort to ensure uninterrupted viewing.

This letter also serves as notice of Northland's intent to increase the rate of its basic level of cable television service, effective January 1, 2016. This rate increase is due principally to increased costs of programming, particularly the cost of local broadcast channels, and to increased costs of operations.

Should you have any questions or if you would like to discuss this matter further, please do not hesitate to contact Kelly Bowden at (206) 621-1351. We thank you for the opportunity to serve your area and we will continue to strive to deliver the best quality service and programming available.

Best regards,

A handwritten signature in blue ink, appearing to be "KB", followed by a horizontal line.

Kelly Bowden  
Paralegal  
Northland Communications



Becky J. Palmer  
Vice President,  
Regulatory Affairs  
West Texas Division

December 1, 2015

To the Honorable Mayor and City Manager

Re: Atmos Energy Corporation's WEST TEXAS 2015 Rate Review Mechanism Filing

Dear Mayor and City Manager,

As you may know, the West Texas Division of Atmos Energy Corporation ("Atmos" or "the Company") and the City entered into an agreement in March of 2014 to operate under a Rate Review Mechanism ("RRM"). The RRM requires the Company to make annual filings with the cities comprising its West Texas Cities Rate Division to allow for a review of the Company's cost of service and rate base.

As per our agreement, Atmos has provided its RRM filing to Geoffrey Gay, the attorney representing the West Texas Cities Group. Mr. Gay will coordinate the review of the filing and will be in communication with your City concerning the results. For your convenience, we have enclosed an executive summary which highlights the details of the 2015 RRM Filing and the proposed change to rates. If you desire a CD or printed copy of the filing, please feel free to contact me directly.

If any further information is required, please contact me at 806-798-4472.

Sincerely,

A handwritten signature in black ink that reads "Becky J. Palmer". The signature is fluid and cursive, with a long horizontal line extending from the end.

Becky J. Palmer

Enclosure:  
Executive Summary

**Atmos Energy Corporation – West Texas Cities Division**  
**Executive Summary**  
***2015 RRM Filing***  
***December 2015***

- Atmos Energy Corporation - West Texas Division reached an agreement with the West Texas Cities Steering Committee in February 2014 for an annual Rate Review Mechanism (RRM). The RRM is a systematic process collaboratively developed by Atmos Energy Corporation (West Texas Division) and the West Texas Cities coalition, specifying how rates will be set over a specified period of time.
- Benefits of the RRM process
  - Suspends GRIP filings
  - Avoids costly litigation that would be borne by customers
  - Provides transparent process for annual review of all Company expenses and investment
  - Provides a \$300,000 discount to the annual system-wide cost of service
  - Provides an additional \$664,560 system-wide discount due to cap on equity
  - Limits future growth of the residential customer charge
- The Company submitted its first filing under the new RRM to each of its Cities or their representative on December 1, 2014.
- The Company submitted its second filing under the RRM to each of its Cities or their representative on December 1, 2015. The filing package supports an increase in rates of:
  - Average Residential customer using 52.1 Ccf a month will have an increase of \$2.19, 4.72% overall.
  - Average Commercial customer using 230.9 Ccf a month will have an increase of \$6.27, 3.76% overall.
  - Average Industrial customer using 4,709.2 Ccf a month will have an increase of \$71.82, 2.60% overall.
  - Average Transportation customer using 4,709.2 Ccf a month will have an increase of \$71.82, 9.42% overall.
  - Average Public Authority customer using 777.5 Ccf a month will have an increase of \$17.16, 3.24% overall.

The Company has calculated the change in rates based on the requirements set forth in its Rider RRM, which includes agreed-upon rate design, exclusions, and cost of service adjustments.

- What is next?
  - Collaborative effort between the Company and the Cities' consultants in reviewing the filing.
  - Company and City Representatives/Consultants will review and agree on final rates to be implemented prior to March 15, 2016.



# **City Council Agenda**

**City of Lamesa, Texas**

**DATE OF MEETING: DECEMBER 15, 2015**

**AGENDA ITEM: 21**

**SUBJECT: EXECUTIVE SESSION**

**SUBMITTED BY: City Manager**

## **SUMMARY STATEMENT**

Council to consider convening into closed executive session regarding Deliberation Regarding Real Property; A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person with the provisions of the Texas Open Meetings Act (Chapter 551.72 Texas Government Code). No action will be taken in closed session. The Council will reconvene into open session after the completion of the executive session.

- a. Ave Q (old school property)

## **COUNCIL ACTION**

**DISCUSSION:** \_\_\_\_\_

Motion by Council Member \_\_\_\_\_ to convene in closed executive session. Motion seconded by Council Member \_\_\_\_\_ and upon being put to a vote the motion \_\_\_\_\_.

**VOTING:** "AYE" \_\_\_\_\_ "NAY" \_\_\_\_\_ "ABSTAIN" \_\_\_\_\_

**CERTIFIED AGENDA: EXECUTIVE SESSION OF  
THE CITY COUNCIL OF THE CITY OF LAMESA, TEXAS**

On this day, December 15, 2015, at a regular meeting of the City Council of the City of Lamesa, Texas the Council adjourned into a closed executive session; notice of said session having been given by a notice posted at the City Hall, 601 South First Street at least seventy-two hours in advance.

**A. ANNOUNCEMENT BY PRESIDING OFFICER:**

"The City Council will begin its executive session on December 15, 2015, at \_\_\_\_\_ P.M."

The subject matter of each executive session deliberation is as follows:

Deliberation Regarding Real Property; A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person with the provisions of the Texas Open Meetings Act (Chapter 551.72 Texas Government Code).

a. Avenue Q (old school property)

RECORD OF ACTION TAKEN: \_\_\_\_\_.

**B. ANNOUNCEMENT BY PRESIDING OFFICER:**

"The City Council has completed its executive session on December 15, 2015 at \_\_\_\_\_ P.M."

**C. CERTIFICATION:**

I hereby certify that this agenda of an executive session of the City Council of the City of Lamesa, Texas is a true and correct record of the proceedings pursuant Texas Open Meetings Act (Chapter 551, Government Code).

WITNESS my hand this \_\_\_\_\_, 2015.

\_\_\_\_\_  
Dave Nix, Mayor

# ***City Council Agenda***

## ***City of Lamesa, Texas***

**DATE OF MEETING: DECEMBER 15, 2015**

**AGENDA ITEM: 22**

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**ADJOURNMENT:** *Announcement by the Mayor* – “The next regular meeting of the City Council of the City of Lamesa, Texas will be held at 5:30 p.m., on **Tuesday, JANUARY 19, 2015** at City Hall, 601 South First Street. Persons desiring to present business to the city council at that meeting are directed to submit a request in writing to the city secretary by **Wednesday, JANUARY 13, 2015** in order to be included on the agenda. There being no other business, the meeting is hereby adjourned.”

### **Upcoming Events**

**Christmas Holidays - December 24 – 25, 2015**

**New Year's Holidays – December 31, 2015 - January 1, 2016**