

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

**MINUTES OF THE CITY COUNCIL REGULARLY CALLED MEETING:**

**APRIL 17, 2018**

On this the 17<sup>th</sup> day of April, 2018 at 5:30 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 Stevens 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 City Council Members were present:

JOSH STEVENS	MAYOR
MARIE BRISENO	COUNCIL MEMBER – DISTRICT 2
BRANT STEWART	COUNCIL MEMBER – DISTRICT 1
BOBBY G. GONZALES	COUNCIL MEMBER–MAYOR PROTEM
	DISTRICT 4
RICK MORENO	COUNCIL MEMBER – DISTRICT 3
FRED VERA	COUNCIL MEMBER – DISTRICT 5
DOUG MORRIS	COUNCIL DISTRICT 6

City staff members present at the meeting:

SHAWNA D. BURKHART	CITY MANAGER
BETTY CONDE	CITY SECRETARY
RUSSELL CASSELBERRY	CITY ATTORNEY

Members of the press present at the meeting:

Herrel Hallmark

Members of the public present at the meeting:

Victor Dimas	Sylvia Dimas	Tyler Canady
Dionicio Garza Jr.	David Burkhart	Jason Moreno
Wayne Chapman	Larry Duyck	Sandra Adams
Dale Alwan	Tommy Arguijo	

**INVOCATION:** Josh Stevens

**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 meeting held on March 20, 2018.
- b. **BILLS FOR March 2018:** Approval of the bills paid by the City of Lamesa for the months of March, 2018.

Motion by Council Member Briseno approved Item 3a and b. Motion seconded by Council Member Stewart and upon being put to a vote the motion passed.

**VOTING:** "AYE" 6 "NAY" "ABSTAIN"

**GENERAL ELECTION:** Consider passing an ordinance on Second reading declaring the unopposed candidates for the 2018 City of Lamesa General Election, to be held on May 5, 2018, elected to office.

Motion by Council Member Gonzales to passed an ordinance on Second Reading declaring the unopposed candidates in District 1 ,Brant Stewart and District 5,Bobby G. Gonzales for the 2018 City of Lamesa General Election to be held on May 5, 2018. Motion seconded by Council Member Stewart and upon being put to a vote the motion passed.

**VOTING:** "AYE" 6 "NAY" "ABSTAIN"

**Ord No. O-3-18**

**Ord. Book 12**

**Page 325**

**PRESENTATION OF THE CITY FY 2016/2017 AUDIT REPORT:** Hear financial audit report for Fiscal Year ending September 30, 2017 from Tyler Cannady of *Bolinger, Segars, Gilbert & Moss, L.L.P.* and consider accepting audit report as well as authorizing publication of audit report.

Motion by Council Member Gonzales to accept audit report as well as authorizing publication of audit report. Motion seconded by Council Member Stewart and upon being put to a vote the motion passed.

**VOTING:** "AYE" 6 "NAY" "ABSTAIN"

**CALL FOR RFP FOR REDISTRICTING SERVICES:** City Council to consider authorizing a call for Request for Proposals for Redistricting Services, to include a description of qualifications, cost breakdown of demographic survey services and legal services with timeline for completion and estimated payments for services by year.

Motion by Council Member Morris to . authorize a call for Request for Proposals for Redistricting Services, to include a description of qualifications, cost breakdown of demographic survey services and legal services with timeline for completion and estimated payments for services by year. Motion seconded by Council Member Stewart and upon being put to a vote the motion passed.

**VOTING:** "AYE" 5 "NAY" 1 "ABSTAIN"

**AMENDMENT NO. II TO USDA GRANT – ENGINEERING AGREEMENT:** Consider approving an amendment to the engineering contract with Parkhill Smith and Cooper for the USDA Grant, to include Article 8.05 Federal Requirements, C. Restrictions on Lobbying - Byrd anti-lobbying amendment (31 U.S.C. 1352).

Motion by Council Member Gonzales to approve Consider approving an amendment to the engineering contract with Parkhill Smith and Cooper for the USDA Grant, to include Article 8.05 Federal Requirements, C. Restrictions on Lobbying - Byrd anti-lobbying amendment (31 U.S.C. 1352). Motion seconded by Council Member Briseno and upon being put to a vote the motion passed.

**VOTING:** "AYE" 5 "NAY" "ABSTAIN" 1

**AMENDMENT NO. III TO USDA GRANT – ENGINEERING AGREEMENT:** Consider approving an amendment to the engineering contract with Parkhill Smith and Cooper for the USDA Grant, to include compliance with the American Iron & Steel requirements mandated by Section 746 of Title VII of the Consolidated Appropriations Act of 2017 (Division A – Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2017) and subsequent statutes mandating domestic preference.

Motion by Council Member Stewart to approve an amendment to the engineering contract with Parkhill Smith and Cooper for the USDA Grant, to include compliance with the American Iron & Steel requirements mandated by Section 746 of Title VII of the Consolidated Appropriations Act of 2017 and subsequent statutes mandating domestic preference. Motion seconded by Council Member Gonzales and upon being put to a vote the motion passed.

**VOTING:** "AYE" 5 "NAY" "ABSTAIN" 1

**APPROVAL OF THE USE OF FORCE ACCOUNT FOR INSTALLATION OF WATERLINES (CDBG):** City Council to consider, discuss and approve the use of a Force Account for installation of waterlines in conjunction with the CDBG Grant #7216280. The use of City equipment and employees will be utilized for the extension of approximately four hundred linear feet (400 l.f.) of 6-inch water line in NE. Gary Street from NE. 2nd to NE. 3<sup>rd</sup>.

Motion by Council Member Morris to approve the use of a installation of waterlines in conjunction with the CDBG Grant #7216280. The use of City equipment and employees will be utilized for the extension of approximately four hundred linear feet (400 l.f.) of 6-inch water line in NE. Gary Street from NE. 2<sup>nd</sup> to NE. 3<sup>rd</sup>. Motion seconded by Council Member Gonzales and upon being put to a vote the motion passed.

**VOTING:**                      "AYE" 6                      "NAY"                      "ABSTAIN"

**REQUEST FROM KIWANIS CLUB OF LAMESA FOR THE PLACEMENT OF FLAGS IN CITY PARKS ON DESIGNATED HOLIDAYS:** Consider approving the placement of flags in City parks on designated holidays (5 holidays a year – Memorial Day, Independence Day, Labor Day, Veterans Day and Flag Day).

Motion by Council Member Gonzales to approve the Consider approving the placement of flags in City parks on designated holidays (5 holidays a year – Memorial Day, Independence Day, Labor Day, Veterans Day and Flag Day). Motion seconded by Council Member Stewart and upon being put to a vote the motion passed.

**VOTING:**                      "AYE" 6                      "NAY"                      "ABSTAIN"

**STEERING COMMITTEE RESOLUTION AUTHORIZING CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR:** City Council to consider approving a resolution authorizing continued participation with the Steering Committee of Cities served by Oncor; and authorizing the payment of 11 cents per capita to the Steering Committee to fund regulatory and legal proceedings and activities related to Oncor Electric Delivery Company, LLC.

Motion by Council Member Morris to authorize continued participation with the Steering Committee of Cities served by Oncor; and authorizing the payment of 11 cents per capita to the Steering Committee to fund regulatory and legal proceedings and activities related to Oncor Electric Delivery Company, LLC. Motion seconded by Council Member Stewart and upon being put to a vote the motion passed.

**VOTING:**                      "AYE" 6                      "NAY"                      "ABSTAIN"

**RESOLUTION TO DENY ONCOR ELECTRIC DELIVERY COMPANY LLC'S APPLICATION FOR APPROVAL OF A DISTRIBUTION COST RECOVERY FACTOR PURSUANT TO 16 TEX. ADMIN. CODE § 25.243 TO INCREASE DISTRIBUTION RATES WITHIN THE CITY:** City Council to consider authorizing a resolution of the City of Lamesa, Texas finding that Oncor Electric Delivery Company LLC's application for approval of a Distribution Cost Recovery Factor pursuant to 16 Tex. Admin. Code §25.243 to increase distribution rates within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the Company; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the Company and legal counsel.

Motion by Council Member Gonzales to authorize a Resolution of the City of Lamesa, Texas finding that Oncor Electric Deliver Company LLC's application for approval of a Distribution Cost Recovery Factor pursuant to 16 Tex. Admin Code §25.243 to increase distribution rates within the City should be denied. Motion seconded by Council Member Morris and upon being put to a vote the motion passed.

**VOTING:** "AYE" 6 "NAY" "ABSTAIN"

**Res. No. R- 6-18 Ord. Book 12 Page 329**

**INTERLOCAL AGREEMENT BETWEEN DAWSON COUNTY AND THE CITY OF LAMESA REGARDING RE-SALE OF TRUST PROPERTIES WITHIN THE CITY OF LAMESA'S JURISDICTIONAL LINES:** Consider approval of an Interlocal Agreement pursuant to Section 791.001 of the Texas Government Code between Dawson County and the City of Lamesa and assigning unto the City of Lamesa the County's rights to proceeds from the re-sale of trust properties within the City of Lamesa's jurisdictional lines.

Motion by Council Member Morris to approve an Interlocal Agreement between Dawson County and City of Lamesa regarding re-sale of trust properties within the city of Lamesa's Jurisdictional lines .Motion seconded by Council Member Stewart and upon being put to a vote the motion passed.

**VOTING:** "AYE" 6 "NAY" "ABSTAIN"

**INTERLOCAL AGREEMENT BETWEEN MESA UNDERGROUND WATER DISTRICT AND THE CITY OF LAMESA REGARDING RE-SALE OF TRUST PROPERTIES WITHIN THE CITY OF LAMESA'S JURISDICTIONAL LINES:** Consider approval of an Interlocal Agreement pursuant to Section 791.001 of the Texas Government Code between Mesa Underground Water District and the City of Lamesa and assigning unto the City of Lamesa the County's rights to proceeds from the re-sale of trust properties within the City of Lamesa's jurisdictional lines.

Motion by Council Member Gonzales to approve an Interlocal Agreement between Mesa Underground Water District and City of Lamesa regarding re-sale of trust properties within the city of Lamesa's Jurisdictional lines. Motion seconded by Council Member Morris and upon being put to a vote the motion passed.

**VOTING:** "AYE" 6 "NAY" "ABSTAIN"

**RESOLUTION REGARDING A CONTRACT FOR THE PURPOSE OF FINANCING A FIRE TRUCK:** City Council to consider authorizing the City of Lamesa to enter into that certain Finance Contract, by and between the Issuer and Government Capital Corporation ("GCC") for the purpose of financing a "Fire Truck". The Issuer desires to designate this Finance Contract as a "qualified tax-exempt obligation" of the Issuer for the purposes of Section 265 (b) (3) of the Internal Revenue Code of 1986, as amended. Financed 1/3 by the City, 1/3 by Dawson County and 1/3 by Weaver Foundation.

Motion by Council Member Stewart to authorize the City of Lamesa to enter into that certain Contract, by and between the Issuer and Government Capital Corporation for the purpose of financing a "Fire Truck". Motion seconded by Council Member Gonzales and upon being put to a vote the motion passed.

**VOTING:** "AYE" 6 "NAY" "ABSTAIN"

**Res. No. R- 7-18                      Ord. Book 12                      Page 331**

**ORDINANCE AMENDING ARTICLE 3.05 OF THE CODE OF ORDINANCE OF THE CITY OF LAMESA, TEXAS, ENTITLED "SUBSTANDARD STRUCTURES" TO EXTEND THE PROVISIONS OF ARTICLE 3.05 TO ALL AREAS LYING WITHIN 5000 FEET OF THE CORPORATE CITY LIMITS OF THE CITY:** City Council to consider passing an Ordinance on First reading amending Article 3.05 of the Code of Ordinance of the City of Lamesa, Texas, entitled "Substandard Structures" to extend the provisions of the Article 3.05 to all areas lying within 5000 feet of the corporate city limits of the City.

Motion by Council Member Stewart to pass an Ordinance on First reading amending article 3.05 of the Code of Ordinance of the City of Lamesa, Texas, entitled "Substandard Structures" to extend the provisions of the Article 3.05 to all areas lying within 5000 feet of the corporate city limits of the City. Motion seconded by Council Member Morris and upon being put to a vote the motion passed.

**VOTING:** "AYE" 6 "NAY" "ABSTAIN"

**ORDINANCE AMENDING ARTICLE 6.02 OF THE CODE OF ORDINANCES OF THE CITY OF LAMESA, TEXAS, ENTITLED "PROPERTY MAINTENANCE" DECLARING PROPERTY IN VIOLATION OF THE PROVISIONS OF ARTICLE 6.02 A PUBLIC NUISANCE AND TO MAKE THE PROVISIONS OF ARTICLE 6.02 APPLICABLE TO ALL AREAS LYING WITHIN 5000 FEET OF THE CORPORATE CITY LIMITS OF THE CITY:** City Council to consider passing an Ordinance on First reading amending Article 6.02 of the Code of Ordinances of the City of Lamesa, Texas entitled "Property Maintenance" declaring property in violation of the provisions of Article 6.02 a public nuisance and to make the provisions of Article 6.02 applicable to all areas lying within 5000 feet of the corporate limits of the City.

Motion by Council Member Morris to pass an Ordinance on First reading amending Article 6.02 of the Code of Ordinances of the City of Lamesa, Texas entitled "Property Maintenance" declaring property in violation of the provisions of Article 6.02 a public nuisance and to make the provisions of Article 6.02 applicable to all areas lying within 5000 feet of the corporate limits of the City. Motion seconded by Council Member Gonzales and upon being put to a vote the motion passed.

**VOTING:** "AYE" 6 "NAY" "ABSTAIN"

**BUDGET AMENDMENT II:** City Council to consider amending Ordinance O-20-17 on Second reading with respect to October 1, 2017 fiscal year budget.

Motion by Council Member Gonzales to Consider amending Ordinance No.O-20-17 on Second reading with respect to October 1, 2017 fiscal year budget. Motion seconded by Council Member Stewart and upon being put to a vote the motion passed.

**VOTING:** "AYE" 6 "NAY" "ABSTAIN"

**Ord No. O-4-18**

**Ord. Book 12**

**Page 333**

**DISCUSSION OF FINANCING AND SCOPE OF REPAIR / REPLACEMENT OF CITY HALL DUCT WORK:** City Council to discuss City Council's desired method of financing duct work repairs / replacement at City Hall, discuss repair / replacement options provided by local and Lubbock service providers and give direction to City staff.

No action taken.

**CITY STAFF REPORTS:**

- a. **POLICE CHIEF REPORT:** Police Chief to report on the city's recent events:
- b. **FIRE CHIEF REPORT:** Fire Chief to report on the city's recent events:

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

**INVESTMENT REPORT:** Finance Director to report on the city's investments for the second quarter of FY 2017-2018.

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

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

**MAYOR'S REPORT:** Mayor to report on future events.

**ADJOURNMENT:** *The next regularly scheduled meetings of the City Council of the City of Lamesa will be May 15, 2018 at 5:30 P.M.*

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 regularly called meeting of the City Council of the City of Lamesa, Texas held on May 17, 2018.

ATTEST:

APPROVED:

\_\_\_\_\_  
Betty Conde  
City Secretary

\_\_\_\_\_  
Josh Stevens  
Mayor