



CITY COUNCIL AGENDA

NOTICE IS GIVEN THAT THE CITY COUNCIL OF THE CITY OF LAMESA, TEXAS, WILL MEET IN A REGULARLY SCHEDULED MEETING AT 5:30 P.M. ON TUESDAY, SEPTEMBER 8, 2020, 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 August 18th, 20th, 25th and September 1st, 2020

- 4. CONSIDER PASSING AN ORDINANCE CLOSING AND VACATING CERTAIN STREETS AND ALLEYS IN THE CITY OF LAMESA (REQUEST BY (KENNETH WILEY):** City Council to consider passing an Ordinance on second reading to close and vacate certain portion of alley. *(City Manager)*
- 5. REQUEST FOR PROPOSALS:** City Council to discuss and take action on advertising for the parks department regarding contracting/ outsourcing for mowing and grass and weed maintenance. *(City Manager & Parks & Streets Director)*
- 6. REQUEST FOR PROPOSALS:** City Council to discuss and take action on advertising for request for proposals for the streets department regarding contracting/outsourcing sealcoating and extensive street repair. *(City Manager & Parks & Streets Director)*
- 7. TAX ABATEMENT AGREEMENT BETWEEN CITY OF LAMESA, TEXAS, AND VISTA PARK LAMESA, LLC:** City Council to consider passing a resolution authorizing the City of Lamesa to enter into a Tax Abatement Agreement with Vista Park Lamesa, LLC. *(City Manager)*
- 8. RESOLUTION ON DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LAMESA, TEXAS AND VISTA PARK LAMESA, LLC.:** City Council to consider passing a resolution authorizing the City of Lamesa to enter into a Development Agreement between the City of Lamesa, Texas, and Vista Park Lamesa, LLC. *(City Manager)*

- 9. REQUEST FOR REPLAT:** City Council to consider approving an Ordinance on second reading approving a replat the following described property located in Lamesa, Texas:

All of Blocks 7, 8 and 9, of the Forrest Hills Addition to Town of Lamesa, Dawson County, Texas, as per Plat recorded in Volume 3, Page 254, of the Deed Records, of Dawson County, Texas.

- 10. PUBLIC HEARING ON REQUEST FOR ZONE CHANGE:** Public hearing regarding a zone change request for the following property:

CASE NO. P&Z 20-4: To consider the petition of PAUL HERNANDEZ, 712 N. 2ND STREET LAMESA, TEXAS 79331 to change the zone of the following property:

Tract One: A tract of land being the South One-half (S/2) of Lots 10, 11 and 12, Block 1, of the Original Town of Lamesa, Dawson County, Texas, as per Plat recorded in Volume 3, Page 254, of the Deed Records, in Dawson County, Texas, and that portion of North 3rd Street lying between Lots 10, 11 and 12, Block 1, and Lots 1, 2 and 3, Block 14, of the Original Town of Lamesa, Dawson County, Texas; and

Tract Two: A tract of land being all of Lots 1, 2, 3, 10, 11 and 12, Block 14, of the Original Town of Lamesa, Dawson County, Texas, as per Plat recorded in Volume 3, Page 254, of the Deed Records of Dawson County, Texas, and that portion of the alley between Lots 1, 2 and 3, Block 14, and Lots 10, 11 and 12, Block 14, of the Original Town of Lamesa, Dawson County, Texas;

located at N. 4TH & AKRON, LAMESA, TEXAS 79331 from zoning District R-1 to zoning District I-2 for a MECHANIC/TRUCK SHOP FOR HIS BUSINESS. *(Building Official)*

- 11. REQUEST FOR ZONE CHANGE:** City Council to consider approving an Ordinance on First reading approving Zone change for the following property:

CASE NO. P&Z 20-4: To consider the petition of PAUL HERNANDEZ, 712 N. 2ND LAMESA, TEXAS 79331 to change the zone of the following property:

Tract One: A tract of land being the South One-half (S/2) of Lots 10, 11 and 12, Block 1, of the Original Town of Lamesa, Dawson County, Texas, as per Plat recorded in Volume 3, Page 254, of the Deed Records, in Dawson County, Texas, and that portion of North 3rd Street lying between Lots 10, 11 and 12, Block 1, and Lots 1, 2 and 3, Block 14, of the Original Town of Lamesa, Dawson County, Texas; and

Tract Two: A tract of land being all of Lots 1, 2, 3, 10, 11 and 12, Block 14, of the Original Town of Lamesa, Dawson County, Texas, as per Plat recorded in Volume 3, Page 254, of the Deed Records of Dawson County, Texas, and that portion of the alley between Lots 1, 2 and 3, Block 14, and Lots 10, 11 and 12, Block 14, of the Original Town of Lamesa, Dawson County, Texas;

located at N. 4TH & AKRON, LAMESA, TEXAS 79331 District R-1 to zoning District I-2 for A MECHANIC/TRUCK SHOP FOR HIS BUSINESS. *(Building Official)*

12. PUBLIC HEARING - NUISANCE PROPERTY REMOVAL OR DEMOLITION: Public hearing to determine whether buildings located at the following location:

LEGAL DESCRIPTION: WEST THIRTY FEET (W/30') OF LOT TWO (2) AND ALL OF LOT THREE (3), IN BLOCK SIXTEEN (16), OF THE LEE ADDITION, TO THE CITY OF LAMESA, DAWSON COUNTY, TEXAS

SITUS: 705 S 6TH, LAMESA, TX 79331
PARCEL ID: R3284

are vacant and dangerous and constitute a public nuisance within the terms of the Substandard Building Ordinance of the City of Lamesa; and if such buildings are found to be so dilapidated, damaged or decayed as to be beyond repair, to consider passing resolution ordering the demolition of said buildings. *(City Manager & City Inspector)*

13. NUISANCE PROPERTY REMOVAL OR DEMOLITION: Consider passing a resolution finding the structure located on the above property to be uninhabitable, deteriorated, dangerous, and a substandard structure, which constitutes a public nuisance within the terms of the Substandard Building Ordinance of the City of Lamesa and ordering the removal or demolition of such substandard structure. *(City Manager & City Inspector)*

LEGAL DESCRIPTION: WEST THIRTY FEET (W/30') OF LOT TWO (2) AND ALL OF LOT THREE (3), IN BLOCK SIXTEEN (16), OF THE LEE ADDITION, TO THE CITY OF LAMESA, DAWSON COUNTY, TEXAS

SITUS: 705 S 6TH, LAMESA, TX 79331
PARCEL ID: R3284

14. NUISANCE PROPERTY REMOVAL OR DEMOLITION: Consider passing a resolution finding the structure located on the above property to be uninhabitable, deteriorated, dangerous, and a substandard structure, which constitutes a public nuisance within the terms of the Substandard Building Ordinance of the City of Lamesa and ordering the removal or demolition of such substandard structure. *(City Manager & City Inspector)*

LEGAL DESCRIPTION: LOTS ONE (1), TWO (2) AND THREE IN BLOCK FOUR (4) OF THE HOLLIS ADDITION TO THE CITY OF LAMESA, DAWSON COUNTY, TEXAS

SITUS: 1305 S BOSTON, LAMESA, TX 79331
PARCEL ID: R2890

- 15. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAMESA, TEXAS, AUTHORIZING THE CONVEYANCE OF VARIOUS PARCELS OF REAL PROPERTY HELD IN TRUST BY THE CITY OF LAMESA AND AUTHORIZING THE MAYOR OF THE CITY TO EXECUTE TAX DEEDS AND TO TAKE SUCH ACTIONS REQUIRED TO EFFECT THE CONVEYANCE OF SUCH REAL PROPERTY:** City Council to consider passing a Resolution authorizing the conveyance of various parcels of real property held in trust by the City of Lamesa and authorizing the Mayor of the City to execute tax deeds and to take such actions required to effect the conveyance of such real property. *(City Manager)*
- 16. BUDGET AMENDMENT X:** Consider amending Ordinance O-17-19 on first reading with respect to October 1, 2019. *(City Manager & Finance Director)*
- 17. BUDGET AMENDMENT XI:** City Council to consider amending Ordinance O-20-20 on first reading with respect to October 1, 2020. *(City Manager & Finance Director)*
- 18. AD VALOREM TAX RATE – 2020 (DEBT SERVICE TAX RATE):** Consider establishing an ad valorem tax rate for Fiscal Year 2020-2021 by passing on second reading an ordinance establishing the ad valorem tax rate which will raise the amount of revenue required to pay Debt Service at a rate of \$0.0000 per hundred dollar assessed valuation for Fiscal Year beginning October 1, 2020 and ending September 30, 2021 *(City Manager)*
- 19. VALOREM TAX RATE – 2020 (MAINTENANCE AND OPERATION TAX RATE):** Consider establishing an ad valorem tax rate for Fiscal Year 2020-2021 by passing on second reading an ordinance establishing the ad valorem tax rate which will raise the amount of revenue needed to fund Maintenance and Operation expenditures at a rate of 0.823236 for Fiscal Year beginning October 1, 2019, and ending September 30, 2020. *(City Manager)*
- 20. AD VALOREM TAX RATE – 2020:** Consider establishing an ad valorem tax rate for Fiscal Year 2020-2021 by passing on second reading an ordinance establishing the ad valorem tax rate of \$0.823236 per hundred dollar assessed valuation for the Fiscal Year beginning October 1, 2020 and ending September 30, 2021, and adopting the provisions of Section 31.05 of the State Property Tax Code to provide for discounts under certain conditions. *(City Manager)*

THIS YEAR'S LEVY TO FUND MAINTENANCE AND OPERATIONS EXPENDITURES DOES NOT EXCEED LAST YEAR'S MAINTENANCE AND OPERATIONS TAX LEVY

THIS BUDGET WILL RAISE LESS REVENUE FROM PROPERTY TAXES THAN LAST YEAR'S BUDGET BY AN AMOUNT OF \$-2,153, WHICH IS A -0.09 PERCENT DECREASE FROM LAST YEAR'S BUDGET. THE PROPERTY TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR IS \$75.

- 21.AUTHORIZE WARRANTS - GENERAL OPERATIONS:** Consider passing resolution authorizing the issuance of interest-bearing warrants, payable from the anticipated collections of the current fiscal year, not to exceed five hundred thousand dollars (\$500,000.00), to be used where funds are necessary and needed to meet current expenses of the city for the current fiscal year.*(Finance Director)*
- 22.APPROVAL TO APPLY FOR TXDOT RAMP GRANT FUNDING:** City Council to consider approving the Lamesa Municipal Airport Board to apply for TxDOT RAMP Grant funding for up to \$50,000 (no grant match required from the City). *(John Farris)*
- 23.CITY MANAGER REPORT:** City Manager to report on current activities and answer questions from City Council.
- 24.MAYORS REPORT:** Mayor to report on future plans and goals.
- 25.ADJOURNMENT:** *The next regularly scheduled meetings of the City Council of the City of Lamesa will be October 20, 2020 at 5:30 P.M.*

Upcoming Meetings

September 15, 2020 (Tuesday) Regular Council Meeting to be canceled




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 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 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: Betty Conde 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., September 4th, 2020** in accordance with Chapter 551.041 of the Government Code.

Betty Conde, City Secretary



City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: SEPTEMBER 8, 2020

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:

JOSH STEVENS	Mayor
BRANT STEWART	Council Member – District 1
MARIE A. BRISENO	Council Member – District 2
LUCIANO REYES	Council Member – District 3
DORE EVAN RODRIGUEZ	Council Member- District 4/MAYOR PRO-TEM
BOBBY G. GONZALES	Council Member – District 5
DOUGLAS MORRIS	COUNCIL MEMBER- DISTRICT 6

City Staff members present at the meeting:

SEAN OVEREYNDER	City Manager
BETTY CONDE	City Secretary
RUSSELL CASSELBERRY	City 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: SEPTEMBER 8, 2020

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 meeting held on August 18th, 20th, 25th and September 1st 2020.

COUNCIL ACTION

DISCUSSION _____

Motion by Council Member _____ to approve Item 3a. 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 to be 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 }
COUNTY OF DAWSON }
CITY OF LAMESA }

MINUTES OF THE CITY COUNCIL REGULARLY CALLED MEETING:

August 18, 2020

On this the 18th day of August 2020, 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 of 7 City Council Members were present:

JOSH STEVENS	Mayor
BRANT STEWART	Council Member – District 1
MARIE. BRISENO	Council Member – District 2
LUCIANO REYES	Council Member – District 3
DORE EVAN RODRIQUEZ	Council Member -- District 4
BOBBY G. GONZALES	Council Member – District 5
DOUG MORRIS	Council Member – District 6

City staff members present at the meeting:

SEAN OVEREYNDER	CITY MANAGER
BETTY CONDE	CITY SECRETARY
RUSSELL CASSELBERRY	CITY ATTORNEY

Members of the press present at the meeting:

Margaret m. Castillo	Debbie Garza	Deedra Cope	Sandy Trevinio
Irma Ramirez	Robert Ramirez	Dionicio Garza Jr.	Larry Duyck
Wayne Chapman	Mike Lopez		

INVOCATION: Bobby Gonzales

PRESENTATION TO GOVERNING BODY OF THE CITY'S 2020 CERTIFIED APPRAISAL ROLL, EFFECTIVE TAX RATE AND ROLLBACK TAX RATE CALCULATIONS: City Manager to present to City Council the City's 2020 Certified Appraisal Roll, the Effective Tax Rate and the Rollback Tax Rate Calculations as certified by the Dawson County Central Appraisal District, Chief Appraiser Norma Brock. *(City Manager)*

This item was brought back to council on August 18, 2020

Finance Director, Wayne Chapman covered the No-New Revenue Tax Rate/Voter Approval Tax Rate with Council.

AD VALOREM TAX RATE – 2020: City Council to discuss and set the proposed tax rate, consider voting to holding one (1) public hearing on a proposal to increase the total tax revenues of the City of Lamesa from properties on the tax roll and **take a record vote** on the following dates:

Proposed 1st Public Hearing: Thursday, August 25th, 2020,
5:30 p.m. at City Hall, 601 S. 1ST Street, Lamesa, TX.

Motion by Council Member Doug Morris made the motion for the No -New-Revenue Tax Rate 0.823236 Motion seconded by Council Member Dore Rodriquez and upon being put to a vote the motion passed

(VOTE BY SHOW OF HAND)



VOTING	"AYE"	"NAY"	"ABSTAIN"
Josh Stevens	_____	√	_____
Brant Stewart	_____	√	_____
Marie Briseno	√	_____	_____
LUCIANO REYES	√	_____	_____
Dore Rodriquez	√	_____	_____
Bobby G. Gonzales	√	_____	_____
Doug Morris	√	_____	_____

PUBLIC HEARING - NUISANCE PROPERTY REMOVAL OR DEMOLITION: Public hearing to determine whether buildings located at the following location:

LEGAL DESCRIPTION: LOTS ONE (1), TWO (2) AND THREE IN BLOCK FOUR (4) OF THE HOLLIS ADDITION TO THE CITY OF LAMESA, DAWSON COUNTY, TEXAS

SITUS: 1305 S BOSTON, LAMESA, TX 79331
PARCEL ID: R2890

DISCUSS, CONSIDER, AND TAKE ACTION TO ADOPT A RESOLUTION DETERMINATING SLUM AND BLIGHT CONDITIONS EXIST WITHIN THE DOWNTOWN DISTRICT: City Council to consider passing a resolution determining that certain areas of the city contains conditions which are detrimental to the public health, safety and welfare of the community and constitutes a slum and blighted area. *(City Manager)*

Motion by Council Member Brant Stewart to adopt a resolution determining that certain areas of the city contains conditions which are detrimental to the public health, safety and welfare of the community and constitutes a slum and blighted area. Motion seconded by Council Member Bobby Gonzales and upon being put to a vote the motion passed

VOTING: "AYE"7 "NAY" "ABSTAIN"

BUDGET AMENDMENT VIII: Consider amending Ordinance O-17-19 on second reading with respect to October 1, 2019. *(City Manager & Finance Director)*

Motion by Council Member Bobby Gonzales to consider amending Ordinance No.O-17-19 on second reading with respect to October 1, 2019. Motion seconded by Council Member Doug Morris and upon being put to a vote the motion passed.

VOTING: "AYE" 7 "NAY" "ABSTAIN"

PUBLIC HEARING - NUISANCE PROPERTY REMOVAL OR DEMOLITION: Public hearing to determine whether buildings located at the following location:

LEGAL DESCRIPTION: LOT TWELVE (12), IN BLOCK FOUR (4), OF THE ALEXANDER HEIGHTS ADDITION TO THE CITY OF LAMESA, DAWSON COUNTY, TEXAS

SITUS: 1204 N 4TH LAMESA, TX 79331
PARCEL ID: R949

No one from the public spoke regarding property.

NUISANCE PROPERTY REMOVAL OR DEMOLITION: Consider passing a resolution finding the structure located on the above property to be uninhabitable, deteriorated, dangerous, and a substandard structure, which constitutes a public nuisance within the terms of the Substandard Building Ordinance of the City of Lamesa and ordering the removal or demolition of such substandard structure. *(City Manager & City Inspector)*

LEGAL DESCRIPTION: LOT TWELVE (12), IN BLOCK FOUR (4), OF THE ALEXANDER HEIGHTS ADDITION TO THE CITY OF LAMESA, DAWSON COUNTY, TEXAS

SITUS: 1204 N 4TH LAMESA, TX 79331
PARCEL ID: R949

Motion by Council Member Doug Morris passed a resolution finding the structure located on the above property to be uninhabitable, deteriorated, dangerous, and a substandard structure which constitutes a public nuisance within the terms of the Substandard Building Ordinance of the City of Lamesa and ordering the removal or demolition of such substandard structure. Motion seconded by Council Member Brant Stewart and upon being put to a vote the motion passed.

VOTING: "AYE"7 "NAY" "ABSTAIN"

PUBLIC HEARING - NUISANCE PROPERTY REMOVAL OR DEMOLITION: Public hearing to determine whether buildings located at the following location:

LEGAL DESCRIPTION: WEST THIRTY FEET (W/30') OF LOT TWO (2) AND ALL OF LOT THREE (3), IN BLOCK SIXTEEN (16), OF THE LEE ADDITION, TO THE CITY OF LAMESA, DAWSON COUNTY, TEXAS

SITUS: 711 S 6TH, LAMESA, TX 79331
PARCEL ID: R3284

are vacant and dangerous and constitute a public nuisance within the terms of the Substandard Building Ordinance of the City of Lamesa; and if such buildings are found to be so dilapidated, damaged or decayed as to be beyond repair, to consider passing resolution ordering the demolition of said buildings. *(City Manager & City Inspector)*

Passed on agenda item #9

NUISANCE PROPERTY REMOVAL OR DEMOLITION: Consider passing a resolution finding the structure located on the above property to be uninhabitable, deteriorated, dangerous, and a substandard structure, which constitutes a public nuisance within the terms of the Substandard Building Ordinance of the City of Lamesa and ordering the removal or demolition of such substandard structure. *(City Manager & City Inspector)*

LEGAL DESCRIPTION: WEST THIRTY FEET (W/30') OF LOT TWO (2) AND ALL OF LOT THREE (3), IN BLOCK SIXTEEN (16), OF THE LEE ADDITION, TO THE CITY OF LAMESA, DAWSON COUNTY, TEXAS

SITUS: 711 S 6TH, LAMESA, TX 79331
PARCEL ID: R3284

Passed on agenda item #10

PUBLIC HEARING - NUISANCE PROPERTY REMOVAL OR DEMOLITION: Public hearing to determine whether buildings located at the following location:

LEGAL DESCRIPTION: LOT NINE (9), IN BLOCK TWO (2), OF THE SECOND MORNING ADDITION TO THE CITY OF LAMESA, DAWSON COUNTY, TEXAS

SITUS: 703 N GARY ST, LAMESA, TX 79331
PARCEL ID: R3922

are vacant and dangerous and constitute a public nuisance within the terms of the Substandard Building Ordinance of the City of Lamesa; and if such buildings are found to be so dilapidated, damaged or decayed as to be beyond repair, to consider passing resolution ordering the demolition of said buildings.

No one from the public spoke on the property

NUISANCE PROPERTY REMOVAL OR DEMOLITION: Consider passing a resolution finding the structure located on the above property to be uninhabitable, deteriorated, dangerous, and a substandard structure, which constitutes a public nuisance within the terms of the Substandard Building Ordinance of the City of Lamesa and ordering the removal or demolition of such substandard structure. *(City Manager & City Inspector)*

LEGAL DESCRIPTION: LOT NINE (9), IN BLOCK TWO (2), OF THE SECOND MORNING ADDITION TO THE CITY OF LAMESA, DAWSON COUNTY, TEXAS

SITUS: 703 N GARY ST, LAMESA, TX 79331
PARCEL ID: R3922

Motion by Council Member Reyes passed a resolution that demolition or removal will not begin until at least 180 days from the date of this order. Motion seconded by Council Member Dore Rodriguez and upon being put to a vote the motion passed.

VOTING: "AYE" 7 "NAY" "ABSTAIN"

PUBLIC HEARING - NUISANCE PROPERTY REMOVAL OR DEMOLITION: Public hearing to determine whether buildings located at the following location:

LEGAL DESCRIPTION: NORTH-HALF (N/2) OF TRACT ONE HUNDRED TEN FEET (110') BY ONE HUNDRED FEET (100') OUT OF THE NORTH-EAST FOURTH (NE/4) OF SECTION SEVEN (7), IN BLOCK THIRTY-FIVE (35) T-5-N RY. CO.SURVEY, OF THE PL ALEXANDER ADDITION TO THE CITY OF LAMESA, DAWSON COUNTY, TEXAS

SITUS: 1510 S CANYON, LAMESA, TX 79331
PARCEL ID: R6789

are vacant and dangerous and constitute a public nuisance within the terms of the Substandard Building Ordinance of the City of Lamesa; and if such buildings are found to be so dilapidated, damaged or decayed as to be beyond repair, to consider passing resolution ordering the demolition of said buildings.

No one spoke regarding the following property

NUISANCE PROPERTY REMOVAL OR DEMOLITION: Consider passing a resolution finding the structure located on the above property to be uninhabitable, deteriorated, dangerous, and a substandard structure, which constitutes a public nuisance within the terms of the Substandard Building Ordinance of the City of Lamesa and ordering the removal or demolition of such substandard structure. (*City Manager & City Inspector*)

LEGAL DESCRIPTION: NORTH-HALF (N/2) OF TRACT ONE HUNDRED TEN FEET (110') BY ONE HUNDRED FEET (100') OUT OF THE NORTH-EAST FOURTH (NE/4) OF SECTION SEVEN (7), IN BLOCK THIRTY-FIVE (35) T-5-N RY. CO.SURVEY, OF THE PL ALEXANDER ADDITION TO THE CITY OF LAMESA, DAWSON COUNTY, TEXAS

SITUS: 1510 S CANYON, LAMESA, TX 79331
PARCEL ID: R6789

Motion by Council Member Luciano Reyes passed a resolution that demolition or removal will not begin until at least 180 days from the date of this order. Motion seconded by Council Member Bobby Gonzales and upon being put to a vote the motion passed.

VOTING:	"AYE" 7	"NAY"	"ABSTAIN"
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PUBLIC HEARING - NUISANCE PROPERTY REMOVAL OR DEMOLITION: Public hearing to determine whether buildings located at the following location:

LEGAL DESCRIPTION: NORTH SIXTY-SIX FEET (N/66') OF LOTS TEN (10), ELEVEN (11,) & TWELVE (12), IN BLOCK FIVE (5) TO THE CITY OF LAMESA, DAWSON COUNTY, TEXAS

SITUS: 404 N Austin, LAMESA, TX 79331
PARCEL ID: R4514

are vacant and dangerous and constitute a public nuisance within the terms of the Substandard Building Ordinance of the City of Lamesa; and if such buildings are found to be so dilapidated, damaged or decayed as to be beyond repair, to consider passing resolution ordering the demolition of said buildings.

No one spoke regarding the following property

NUISANCE PROPERTY REMOVAL OR DEMOLITION: Consider passing a resolution finding the structure located on the above property to be uninhabitable, deteriorated, dangerous, and a substandard structure, which constitutes a public nuisance within the terms of the Substandard Building Ordinance of the City of Lamesa and ordering the removal or demolition of such substandard structure. *(City Manager & City Inspector)*

LEGAL DESCRIPTION: NORTH SIXTY-SIX FEET (N/66') OF LOTS TEN (10), ELEVEN (11,) & TWELVE (12), IN BLOCK FIVE (5) TO THE CITY OF LAMESA, DAWSON COUNTY, TEXAS

SITUS: 404 N Austin, LAMESA, TX 79331
PARCEL ID: R4514

Motion by Council Member Dore Rodriquez to consider passing a resolution finding the structure located on the above property to be uninhabitable, deteriorated, dangerous, and a substandard structure which constitutes a public nuisance within the terms of the Substandard Building Ordinance of the City of Lamesa and ordering the removal or demolition of such substandard structure. Motion seconded by Council Member Luciano Reyes and upon being put to a vote the motion passed

VOTING:	"AYE" 7	"NAY"	"ABSTAIN"
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PUBLIC HEARING - NUISANCE PROPERTY REMOVAL OR DEMOLITION: Public hearing to determine whether buildings located at the following location:

LEGAL DESCRIPTION: WEST HALF (W/2) OF LOT FOUR (4), IN BLOCK ONE (1) OF THE TURNER ADDITION TO THE CITY OF LAMESA, DAWSON COUNTY, TEXAS

SITUS: 405 N Detroit Ave, LAMESA, TX 79331
PARCEL ID: R5588

are vacant and dangerous and constitute a public nuisance within the terms of the Substandard Building Ordinance of the City of Lamesa; and if such buildings are found to be so dilapidated, damaged or decayed as to be beyond repair, to consider passing resolution ordering the demolition of said buildings. *(City Manager & City Inspector)*

No one spoke regarding the following property

NUISANCE PROPERTY REMOVAL OR DEMOLITION: Consider passing a resolution finding the structure located on the above property to be uninhabitable, deteriorated, dangerous, and a substandard structure, which constitutes a public nuisance within the terms of the Substandard Building Ordinance of the City of Lamesa and ordering the removal or demolition of such substandard structure. *(City Manager & City Inspector)*

LEGAL DESCRIPTION: WEST HALF (W/2) OF LOT FOUR (4), IN BLOCK ONE (1) OF THE TURNER ADDITION TO THE CITY OF LAMESA, DAWSON COUNTY, TEXAS

SITUS: 405 N Detroit Ave, LAMESA, TX 79331
PARCEL ID: R5588

Motion by Council Member Doug Morris to consider passing a resolution finding the structure located on the above property to be uninhabitable, deteriorated, dangerous, and a substandard structure which constitutes a public nuisance within the terms of the Substandard Building Ordinance of the City of Lamesa and ordering the removal or demolition of such substandard structure. Motion seconded by Council Member Bobby Gonzales and upon being put to a vote the motion passed.

VOTING: "AYE" 7 "NAY" "ABSTAIN"

PUBLIC HEARING - NUISANCE PROPERTY REMOVAL OR DEMOLITION: Public hearing to determine whether buildings located at the following location:

LEGAL DESCRIPTION: LOT TEN (10), IN BLOCK TEN (10), OF THE COMPTON ADDITION TO THE CITY OF LAMESA, DAWSON COUNTY, TEXAS

SITUS: 207 N GARY, LAMESA, TX 79331
PARCEL ID: R1940

are vacant and dangerous and constitute a public nuisance within the terms of the Substandard Building Ordinance of the City of Lamesa; and if such buildings are found to be so dilapidated, damaged or decayed as to be beyond repair, to consider passing resolution ordering the demolition of said buildings. *(City Manager & City Inspector)*

The following persons spoke: Margaret M. Castillo

NUISANCE PROPERTY REMOVAL OR DEMOLITION: Consider passing a resolution finding the structure located on the above property to be uninhabitable, deteriorated, dangerous, and a substandard structure, which constitutes a public nuisance within the terms of the Substandard Building Ordinance of the City of Lamesa and ordering the removal or demolition of such substandard structure. *(City Manager & City Inspector)*

LEGAL DESCRIPTION: LOT TEN (10), IN BLOCK TEN (10), OF THE COMPTON ADDITION TO THE CITY OF LAMESA, DAWSON COUNTY, TEXAS

SITUS: 207 N GARY, LAMESA, TX 79331
PARCEL ID: R1940

Motion by Council Member Luciano Reyes passed a resolution that demolition or removal will not begin until at least 90 days from the date of this order. Motion seconded by Council Member Dore Rodriguez and upon being put to a vote the motion passed.

VOTING: "AYE" 7 "NAY" "ABSTAIN"

PUBLIC HEARING - NUISANCE PROPERTY REMOVAL OR DEMOLITION: Public hearing to determine whether buildings located at the following location:

LEGAL DESCRIPTION: LOT TWELVE (12), IN BLOCK TWELVE (12) OF THE COMPTON ADDITION TO THE CITY OF LAMESA, DAWSON COUNTY, TEXAS

SITUS: 211 N Elgin, LAMESA, TX 79331
PARCEL ID: R1953

are vacant and dangerous and constitute a public nuisance within the terms of the Substandard Building Ordinance of the City of Lamesa; and if such buildings are found to be so dilapidated, damaged or decayed as to be beyond repair, to consider passing resolution ordering the demolition of said buildings.

No one spoke regarding the following property

NUISANCE PROPERTY REMOVAL OR DEMOLITION: Consider passing a resolution finding the structure located on the above property to be uninhabitable, deteriorated, dangerous, and a substandard structure, which constitutes a public nuisance within the terms of the Substandard Building Ordinance of the City of Lamesa and ordering the removal or demolition of such substandard structure. *(City Manager & City Inspector)*

LEGAL DESCRIPTION: LOT TWELVE (12), IN BLOCK TWELVE (12) OF THE COMPTON ADDITION TO THE CITY OF LAMESA, DAWSON COUNTY, TEXAS

SITUS: 211 N Elgin, LAMESA, TX 79331
PARCEL ID: R1953

Motion by Council Member Bobby Gonzalez to consider passing a resolution finding the structure located on the above property to be uninhabitable, deteriorated, dangerous, and a substandard structure which constitutes a public nuisance within the terms of the Substandard Building Ordinance of the City of Lamesa and ordering the removal or demolition of such substandard structure. Motion seconded by Council Member Dore Rodriquez and upon being put to a vote the motion passed.

VOTING: "AYE" 7 "NAY" "ABSTAIN"

CITY STAFF REPORTS:

- **PARKS, STREETS, SANITATION/LANDFILL REPORT:** Director to report on the city's recent events.
- **UTILITIES DIRECTOR REPORT:** Utilities Director to report on the city's recent events.
- **LAMESA ECONOMIC DEVELOPMENT CORPORATION QUARTERLY REPORT:** City Council to hear from LEDC/LEAP Executive Director Lee Peterson regarding LEDC/LEAP Quarterly Report/Year in Review. (*EDC Director*)

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

INVESTMENT REPORT: Finance Director to report on City's investments through the 3rd quarter of FY 2019/2020.

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

MAYORS REPORT: Mayor to report on future plans and goals.

Mayor presented Dionicio Garza Jr. with Plaque of Appreciation for 36 years

ADJOURNMENT: *The next regularly scheduled meetings of the City Council of the City of Lamesa will be August 20th, 2020 at 5:30 P.M.*

UPCOMING MEETINGS

- **August 20, 2020 (Thursday) Regular Council Meeting –**

- **August 25, 2020 (Tuesday) Regular Council Meeting – Public Hearing on Budget and 1st Reading of Budget Ordinance with **Record Vote** and 1st Public Hearing on Tax Rate**
- **September 1, 2020 (Tuesday) Regular Council Meeting – Ratify Tax Rate Reflected in the Budget, 1st Reading of Ordinances for Tax Rate with **Record Vote** (I&S, M&O and Total)**
- **September 8, 2020 (Tuesday) Regular Council Meeting – 2nd Reading of Ordinance for Tax Rate with **Record Vote** (I&S, M&O and Total)**
- **September 15, 2020 (Tuesday) Regular Council Meeting to be canceled**

• ATTEST:

APPROVED:

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• _____
• Betty Conde
• City Secretary

Josh Stevens
Mayor

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

MINUTES OF THE CITY COUNCIL REGULARLY CALLED MEETING:

August 20, 2020

On this the 20th day of August 2020, 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 of 7 City Council Members were present:

JOSH STEVENS	Mayor
BRANT STEWART	Council Member – District 1
MARIE. BRISENO	Council Member – District 2
LUCIANO REYES	Council Member – District 3
DORE EVAN RODRIQUEZ	Council Member -- District 4
BOBBY G. GONZALES	Council Member – District 5
DOUG MORRIS	Council Member – District 6

City staff members present at the meeting:

SEAN OVEREYNDER	CITY MANAGER
BETTY CONDE	CITY SECRETARY
RUSSELL CASSELBERRY	CITY ATTORNEY

Members of the press present at the meeting:

Mary Elizabeth

Members of the Public present at the meeting

Ron Smith	eticia Dimas	Sandy Trevinio.....	Ashley Clement
Mike Lopez	Larry Duyck	Joshua Peterson	Wayne Chapman
Robert Ramirez	Irma Ramirez		

INVOCATION: Bobby Gonzales

TML INSURANCE RECOVERY: City Council to approve TML Insurance Recovery to fix water dept overhead door. *(City Manager & Finance Director)*

Motion by Council Member Gonzalez to approve TML Insurance Recovery to fix water dept overhead door. Motion seconded by Council Member Morris and upon being put to a vote the motion passed.

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

BUDGET AMENDMEN# IX: Consider amending Ordinance O-17-19 on first reading with respect to October 1, 2019. *(City Manager & Finance Director)*

Motion by Council Member Stewart to consider amending Ordinance No.O-17-19 on second reading with respect to October 1, 2019. Motion seconded by Council Member Rodriquez and upon being put to a vote the motion passed.

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

REINVESTMENT ZONE: Consider passing an Ordinance on second reading designating a geographic area within the City of Lamesa, Dawson County, Texas, as a Reinvestment Zone pursuant to Chapter 312 of the Texas Tax Code; adopting provisions related thereto and providing severability. *(City Manager)*

Motion by Council Member Gonzales to consider approving an Ordinance on second reading approving. a designated area within the City of Lamesa, Dawson County, Texas as a Reinvestment Zone. Motion seconded by Council Member Stewart and upon being put to a vote the motion passed.

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

REQUEST FOR ZONE CHANGE: City Council to consider approving an Ordinance on second reading approving Zone change for the following property:

CASE NO. P&Z 20-6: To consider the petition of JIM NORRIS FOR NORTHRIDGE UNITED METHODIST CHURCH 2612 LUBBOCK HWY, LAMESA, TEXAS 79331

A 0.56 acre tract of land out of Block 1, Amended First Northridge Addition to the Town of Lamesa, Dawson County, Texas, as per Plat recorded in Volume 2, Page 44, of the Plat Records of Dawson County, Texas, and out of Block 6, of the Northridge Addition to the Town of Lamesa, Dawson County, Texas, as per Plat recorded in Volume 2, Page 55, of the Plat Records of Dawson County, Texas, said 0.56 acre tract being more particularly described as follows:

BEGINNING at a ½" iron rod with cap marked "NEWTON SURVEYING" set in the Westerly right-of-way line of U.S. Highway 87 and in the East line of said Block 6, for the Northeast corner of this tract;

THENCE S.26°48'57"W., at 17.0 feet pass the Southeast corner of said Block 6 and the Northeast corner of said Block 1, in all 150.0 feet to a ½" iron rod with cap marked "NEWTON SURVEYIN" set for the Southeast corner of that certain tract of land described in deed to the Trustees of Northridge United Methodist Church recorded in Volume 309, Page 143, or the Deed Records of Dawson County, Texas, and for the Southeast corner of this tract;

THENCE N.56°56'53"W., along the South line of said Church tract, 180.0 feet to a ½" iron rod with cap marked "NEWTON SURVEYING" set for the Southwest corner of this tract;

HENCE N.26°27'08"E., at 47.8 feet pass the North line of said Block 1 and the South line of said Block 6, in all 120.0 feet to a ½" iron rod with cap marked "NEWTON SURVEYING" set for the Northwest corner of this tract;

THENCE S.66°30'45"E. 180.0 feet to the PLACE OF BEGINNING;

located at 2612 LUBBOCK HWY, LAMESA 79331 applicant is requesting a zone change from zoning district R-1 to zoning district C-1 for Commercial Use. *(Building Official)*

Motion by Council Member Stewart to consider approving an Ordinance on second reading approving zone change for the following property located at 2612 Lubbock Hwy. Motion seconded by Council Member Gonzalez and upon being put to a vote the motion passed.

VOTING:

"AYE" 6

"NAY"

"ABSTAIN"

REQUEST FOR ZONE CHANGE: City Council to consider approving an Ordinance on second reading approving Zone change for the following property:

CASE NO. P&Z 20-7: To consider the petition of KEITH CARROWAY FOR ABCI (ALLEN BUTLER CONSTRUCTION) 2416 120TH STREET, LUBBOCK, TEXAS 79423

Lots 18 through 24, inclusive, Block 7, of the Gaines Addition
to the Town of Lamesa, Dawson County, Texas;

located at 1006 N. 2ND STREET, LAMESA 79331 district R-2 to zoning C-1 to install temporary mobile trailers for TxDOT and ABCI Companies to use for their office space and park equipment. *(Building Official)*

Motion by Council Member Stewart to consider approving an Ordinance on second reading approving zone change for the following property located at 1006 N. 2ND Motion seconded by Council Member Morris and upon being put to a vote the motion passed

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

LETTER OF ENGAGEMENT FOR AUDIT SERVICES FOR FY 2020-2021: City Council to consider approving the letter of engagement for Audit Services with Bolinger, Segars, Gilbert & Moss, L.L.P. for Fiscal Year 2020 / 2021. *(Finance Director)*.

Motion by Council Member Rodriguez to approve the letter of engagement for Audit Services with Bolinger, Segars, Moss, L.L.P. for Fiscal Year 2020/2021. Motion seconded by Council Member Stewart and upon being put to a vote the motion passed.

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

EXECUTIVE SESSION: Consider convening into closed Executive Session with the City Council of the City of Lamesa, Texas for the following:

SEC. 551.072. DELIBERATION REGARDING REAL PROPERTY; CLOSED MEETING. 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.

- Dawson County Library

Motion by Council Member Stewart to convene in closed executive session in accordance with the provisions of the Texas Open Meetings to discuss and consider personnel

matters. Motion seconded by Council Member Rodriquez and upon being put to a vote the motion passed.

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

ADJOURNMENT: *The next regularly scheduled meetings of the City Council of the City of Lamesa will be August 25, 2020 at 5:30 P.M.*

UPCOMING MEETINGS

- **August 25, 2020 (Tuesday) Regular Council Meeting – 1st Reading of Budget Ordinance with Record Vote, 1st Public Hearing on Tax Rate,**
- **September 1, 2020 (Tuesday) Regular Council Meeting – Ratify Tax Rate Reflected in the Budget, 1st Reading of Ordinances for Tax Rate with Record Vote (I&S, M&O and Total)**
- **September 8, 2020 (Tuesday) Regular Council Meeting – 2nd Reading of Ordinance for Tax Rate with Record Vote (I&S, M&O and Total)**
- **September 15, 2020 (Tuesday) Regular Council Meeting to be canceled**

• **ATTEST:**

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• _____
• Betty Conde
• City Secretary

APPROVED:

Josh Stevens
Mayor

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

MINUTES OF THE CITY COUNCIL REGULARLY CALLED MEETING:

August 25, 2020

On this the 25th day of August 2020, 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 of 7 City Council Members were present:

JOSH STEVENS	Mayor
BRANT STEWART	Council Member – District 1
MARIE. BRISENO	Council Member – District 2
LUCIANO REYES	Council Member – District 3
DORE EVAN RODRIQUEZ	Council Member -- District 4
BOBBY G. GONZALES	Council Member – District 5
DOUG MORRIS	Council Member – District 6

City staff members present at the meeting:

SEAN OVEREYNDER	CITY MANAGER
BETTY CONDE	CITY SECRETARY
RUSSELL CASSELBERRY	CITY ATTORNEY (ABSENT)

Members of the press present at the meeting:

Mary Elizabeth

Members of the Public present at the meeting

Leticia Dimas	Sandy Trevinio.....	Larry Duyck	Joshua Peterson
Wayne Chapman	Robert Ramirez	Irma Ramirez	

INVOCATION: Bobby Gonzales

RESOLUTION APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE EXECUTIVE COMMITTEE OF CITIES SERVED BY ATMOS WEST TEXAS ("CITIES") AND ATMOS ENERGY CORP., WEST TEXAS DIVISION REGARDING THE COMPANY'S 2020 RATE REVIEW MECHANISM FILINGS: Consider passing a Resolution approving a negotiated settlement between the executive committee of Cities Served By Atmos West Texas ("CITIES") and Atmos Energy Corp., West Texas Division regarding the company's 2019 rate review mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attached exhibit establishing a benchmark for pensions and retiree medical benefits; approving an attached exhibit regarding amortization of regulatory liability; requiring the company to reimburse cities' reasonable ratemaking expenses; determining that this resolution was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring Delivery of this resolution to the company and the ' legal counsel. *(City Manager)*

Motion by Council Member Gonzales to pass a Resolution approving a negotiated settlement between the Executive Committee of Cities served by Atmos West Texas ("Cities") and Atmos Energy Corp., West Texas Division regarding the company's 2020 Rate Review Mechanism Filings. Motion seconded by Council Member Morris and upon being put to a vote the motion passed.

VOTING: "AYE" 7 "NAY" "ABSTAIN"

2020 GENERAL ELECTION: City Council to consider passing an ordinance on first reading declaring the election cancelled and the unopposed candidate for the 2020 City of Lamesa General Election, to be held on November 3, 2020 elected to office.

Motion by Council Member Gonzales to pass an ordinance on first reading declaring the election cancelled and the unopposed candidate for the 2020 City of Lamesa General Election, to be held on November 3, 2020. **Council Member District 2, Fred Vera**, elected to office. Motion seconded by Council Member Stewart and upon being put to a vote the motion passed.

VOTING: "AYE" 7 "NAY" "ABSTAIN"

PUBLIC HEARING - FISCAL YEAR 2020-2021 ANNUAL BUDGET: Convene a public hearing, in accordance with State Law (Local Government Code, Chapter 102, Section 102.006), to hear a report from the City Manager and to hear comments from the public regarding the proposed Annual Budget for Fiscal Year 2020-2021 beginning on October 1, 2020 and ending September 30, 2021. *(City Manager)*

THIS BUDGET WILL RAISE LESS REVENUE FROM PROPERTY TAXES THAN LAST YEAR'S BUDGET BY AN AMOUNT OF \$ -2,153, WHICH IS A -0.09% PERCENT DECREASE FROM LAST YEAR'S BUDGET. THE PROPERTY TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR IS \$75.

No one from the public spoke.

The mayor and City Council discussed the budget along with the City Manager and Finance Director.

FISCAL YEAR OCTOBER 2020-2021 BUDGET - ADOPTION: Consider passing an ordinance on First reading with record vote in accordance with State Law (Local Government Code, Chapter 102, Section 102.007) providing funds for the Fiscal Year beginning October 1, 2020, and ending September 30, 2021, by approving the budget for said period and appropriating and setting aside the necessary funds out of the General Fund, Water/Wastewater, Solid Waste funds for the maintenance and operation of the various departments and for various activities and improvements to the City. (City Manager)

THIS BUDGET WILL RAISE LESS REVENUE FROM PROPERTY TAXES THAN LAST YEAR'S BUDGET BY AN AMOUNT OF \$ -2,153, WHICH IS A -0.09% PERCENT DECREASE FROM LAST YEAR'S BUDGET. THE PROPERTY TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR IS \$75.

Motion by Council Member Rodriguez to adopt on first reading the Proposed 2020-2021 Annual Budget, including the following statement (to be read aloud):

THIS BUDGET WILL RAISE LESS REVENUE FROM PROPERTY TAXES THAN LAST YEAR'S BUDGET BY AN AMOUNT OF \$ -2,153, WHICH IS A -0.09% PERCENT DECREASE FROM LAST YEAR'S BUDGET. THE PROPERTY TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR IS \$75.

Motion seconded by Council Member Gonzales and upon being put to a vote the motion passed.

RECORD VOTE REQUIRED: VOTE BY SHOW OF HANDS

VOTING	"AYE"	"NAY"	"ABSTAIN"
Josh Stevens	√		
Brant Stewart	√		
Marie A. Briseno	√		
LUCIANO REYES	√		
DORE EVAN RODRIQUEZ	√		
BOBBY G. GONZALES	√		
Doug Morris	√		

ADJOURNMENT: *The next regularly scheduled meetings of the City Council of the City of Lamesa will be September 1, 2020 at 5:30 P.M.*

Upcoming Meetings

- **September 1, 2020 (Tuesday) Regular Council Meeting – Ratify Tax Rate Reflected in the Budget, 1st Reading of Ordinances for Tax Rate with **Record Vote** (I&S, M&O and Total)**
- **September 8, 2020 (Tuesday) Regular Council Meeting – 2nd Reading of Ordinance for Tax Rate with **Record Vote** (I&S, M&O and Total)**
- **September 15, 2020 (Tuesday) Regular Council Meeting to be canceled**

- ATTEST:

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Betty Conde
- City Secretary

APPROVED:

Josh Stevens
Mayor

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

MINUTES OF THE CITY COUNCIL REGULARLY CALLED MEETING:

September 1, 2020

On this the 1st day of September 2020, 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 of 7 City Council Members were present:

JOSH STEVENS	Mayor
BRANT STEWART	Council Member – District 1
MARIE. BRISENO	Council Member – District 2
LUCIANO REYES	Council Member – District 3
DORE EVAN RODRIQUEZ	Council Member -- District 4
BOBBY G. GONZALES	Council Member – District 5
DOUG MORRIS	Council Member – District 6

City staff members present at the meeting:

SEAN OVEREYNDER	CITY MANAGER
BETTY CONDE	CITY SECRETARY
RUSSELL CASSELBERRY	CITY ATTORNEY (ABSENT)

Members of the press present at the meeting:

Mary Elizabeth

Members of the Public present at the meeting

Leticia Dimas	Sandy Trevinio.....	Larry Duyck	Joshua Peterson
Wayne Chapman	Robert Ramirez	Irma Ramirez	Ron Smith
Ernest Ojeda	Deedra Cope	Ashley Clement	Laura Pratt
Fred Vera	Lee Peterson		
Robin & Ken Wiley			

INVOCATION: Josh Stevens

MEET AND GREET WITH LOCAL ENFORCEMENT OFFICERS: City Council to meet and greet with local Law Enforcement Officers. (*City Manager*)

BUDGET AMENDMENT # IX: Consider amending Ordinance O-17-19 on second reading with respect to October 1, 2019.

Motion by Council Member Morris to consider amending Ordinance No.O-17-19 on second reading with respect to October 1, 2019. Motion seconded by Council Member Gonzales and upon being put to a vote the motion passed.

VOTING: "AYE" 7 "NAY" "ABSTAIN"

2020 GENERAL ELECTION: City Council to consider passing an ordinance on first reading declaring the election cancelled and the unopposed candidate for the 2020 City of Lamesa General Election, to be held on November 3, 2020 elected to office.

Motion by Council Member Gonzales to pass an ordinance on first reading declaring the election cancelled and the unopposed candidate for the 2020 City of Lamesa General Election, to be held on November 3, 2020. **Council Member District 2, Fred Vera**, elected to office. Motion seconded by Council Member Briseno and upon being put to a vote the motion passed.

VOTING: "AYE" 7 "NAY" "ABSTAIN"

CONSIDER PASSING AN ORDINANCE CLOSING, ABANDONING AND VACATING AN ALLEY IN THE CITY OF LAMESA (REQUEST BY KENNETH & ROBIN WILEY)

City Council to consider passing an Ordinance on first reading to close, abandon and vacate that portion of the alley in Block 19 of the College Addition to the Town of Lamesa, Dawson County, Texas, which lies East of the West 15 feet of Lots 5and 8, in Block 19, of the College Addition.

Motion by Council Member Rodriguez to consider passing an Ordinance on first reading to close, abandon and vacate that portion of the alley in Block 19 of the College Addition to the town of Lamesa, Dawson County, Texas, which lies East of the West 15 feet of Lots 5and 8, in Block 19, of the College Addition. Motion seconded by Council Member Morris and upon being put to a vote the motion passed.

VOTING:

"AYE" 7

"NAY"

"ABSTAIN"

PUBLIC HEARING TAX ABATEMENT: Public hearing on Tax Abatement in accordance with

The Chapter 380/ Tax Abatement Guidelines for Vista Park Lamesa, LLC.

Attorney Laura Pratt spoke.

TAX ABATEMENT AGREEMENT BETWEEN CITY OF LAMESA, TEXAS, AND VISTA PARK LAMESA, LLC: City Council to consider passing a resolution authorizing the City of Lamesa to enter into a Tax Abatement Agreement with Vista Park Lamesa, LLC. *(City Manager)*

Passed

REQUEST OF REPLAT: City Council to consider approving an Ordinance on First reading approving a replat for the following described property located in Lamesa, Texas:*(City Manager)*

All of Blocks 7, 8 and 9, of the Forrest Hills Addition to Town of Lamesa, Dawson County, Texas, as per Plat recorded in Volume 3, Page 254, of the Deed Records, of Dawson County, Texas; and

Motion by Council Member Gonzales to consider approving an Ordinance on First reading approving. a replat for the following property: All of Blocks 7, 8 and 9, of the Forrest Hills Addition to Town of Lamesa, Dawson County, Texas, as per Plat recorded in Volume 3, Page 254, of the Deed Records, of Dawson County, Texas. Motion seconded by Council Member Rodriguez and upon being put to a vote the motion passed

VOTING:

"AYE" 7

"NAY"

"ABSTAIN"

FISCAL YEAR OCTOBER 2020-2021 BUDGET - ADOPTION: Consider passing an ordinance on First reading with record vote in accordance with State Law (Local Government Code, Chapter 102, Section 102.007) providing funds for the Fiscal Year beginning October 1, 2020, and ending September 30, 2021, by approving the budget for said period and appropriating and setting aside the necessary funds out of the General Fund, Water/Wastewater, Solid Waste funds for the maintenance and operation of the various departments and for various activities and improvements to the City. *(City Manager)*

THIS BUDGET WILL RAISE LESS REVENUE FROM PROPERTY TAXES THAN LAST YEAR'S BUDGET BY AN AMOUNT OF \$ -2,153, WHICH IS A -0.09% PERCENT DECREASE FROM LAST YEAR'S BUDGET. THE PROPERTY TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR IS \$75.

Motion by Council Member Morris to adopt on first reading the Proposed 2020-2021 Annual Budget, including the following statement (to be read aloud):

THIS BUDGET WILL RAISE LESS REVENUE FROM PROPERTY TAXES THAN LAST YEAR'S BUDGET BY AN AMOUNT OF \$ -2,153, WHICH IS A -0.09% PERCENT DECREASE FROM LAST YEAR'S BUDGET. THE PROPERTY TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR IS \$75.

Motion seconded by Council Member Gonzales and upon being put to a vote the motion passed.

RECORD VOTE REQUIRED: VOTE BY SHOW OF HANDS

VOTING	"AYE"	"NAY"	"ABSTAIN"
Josh Stevens	√		
Brant Stewart	√		
Marie A. Briseno	√		
LUCIANO REYES	√		
DORE EVAN RODRIQUEZ	√		
BOBBY G. GONZALES	√		
Doug Morris	√		

RATIFY THE PROPERTY TAX DECREASE REFLECTED IN THE FISCAL YEAR 2020-2021 BUDGET: Consider ratifying the property tax decrease reflected in the Fiscal Year 2020-2021 budget that raises less property taxes than the Fiscal Year 2019-2020 budget.
(City Manager)

THIS BUDGET WILL RAISE LESS REVENUE FROM PROPERTY TAXES THAN LAST YEAR'S BUDGET BY AN AMOUNT OF \$ -2,153, WHICH IS A -0.09% PERCENT DECREASE FROM LAST YEAR'S BUDGET. THE PROPERTY TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR IS \$75.

Motion by Council Member Rodriquez to ratify the property tax decrease reflected in the Fiscal Year 2020-2021 budget that raises less property tax rate than the Fiscal Year 2019-2020 budget. This year's proposed tax rate of \$0.823236 does not exceed the effective tax rate. Motion seconded by Council Member Stewart and upon being put to a vote the motion passed

RECORD VOTE REQUIRED: VOTE BY SHOW OF HANDS

VOTING	"AYE"	"NAY"	"ABSTAIN"
Josh Stevens	√		
Brant Stewart	√		
Marie A. Briseno	√		
LUCIANO REYES	√		
DORE EVAN RODRIQUEZ	√		
BOBBY G. GONZALES	√		
Doug Morris	√		

THIS YEAR'S LEVY TO FUND MAINTENANCE AND OPERATIONS EXPENDITURES DOES NOT EXCEED LAST YEAR'S MAINTENANCE AND OPERATIONS TAX LEVY

AD VALOREM TAX RATE – 2020 (DEBT SERVICE TAX RATE): Consider establishing an ad valorem tax rate for Fiscal Year 2020-2021 by passing on first reading an ordinance establishing the ad valorem tax rate which will raise the amount of revenue required to pay Debt Service at a rate of **\$0.0000** per hundred dollar assessed valuation for Fiscal Year beginning October 1, 2020 and ending September 30, 2021.

Motion by Council Member Gonzales must be stated as; **THIS YEAR'S PROPOSED TAX RATE DOES NOT EXCEED THE NO-NEW-REVENUE TAX RATE**

Motion seconded by Council Member Morris and upon being put to a vote the motion passed.

RECORD VOTE REQUIRED: VOTE BY SHOW OF HANDS

VOTING	"AYE"	"NAY"	"ABSTAIN"
Josh Stevens	√		
Brant Stewart	√		
Marie A. Briseno	√		
LUCIANO REYES	√		
DORE EVAN RODRIQUEZ	√		
BOBBY G. GONZALES	√		
Doug Morris	√		

AD VALOREM TAX RATE – 2020 (MAINTENANCE AND OPERATION TAX RATE): Consider establishing an ad valorem tax rate for Fiscal Year 2020-2021 by passing on first reading an ordinance establishing the ad valorem tax rate which will raise the amount of revenue needed to fund Maintenance and Operation expenditures at a rate of **\$0.823236** for fiscal Year beginning October 1, 2020, and ending September 30, 2021.
(City Manager)

THIS YEAR'S LEVY TO FUND MAINTENANCE AND OPERATIONS EXPENDITURES DOES NOT EXCEED LAST YEAR'S MAINTENANCE AND OPERATIONS TAX LEVY

Motion by Council Member Rodriguez must be stated as; **THIS YEAR'S PROPOSED TAX RATE DOES NOT EXCEED THE NO-NEW-REVENUE TAX RATE**

Motion seconded by Council Member Stewart and upon being put to a vote the motion passed.

RECORD VOTE REQUIRED: VOTE BY SHOW OF HANDS

VOTING	"AYE"	"NAY"	"ABSTAIN"
Josh Stevens	√		
Brant Stewart	√		
Marie A. Briseno	√		
LUCIANO REYES	√		
DORE EVAN RODRIQUEZ	√		
BOBBY G. GONZALES	√		
Doug Morris	√		

AD VALOREM TAX RATE – 2020: Consider establishing an ad valorem tax rate for Fiscal Year 2020-2021 by passing on first reading an ordinance establishing the ad valorem tax rate of **\$0.823236** per hundred dollar assessed valuation for the Fiscal Year beginning October 1, 2020 and ending September 30, 2021, and adopting the provisions of Section 31.05 of the State Property Tax Code to provide for discounts under certain conditions. (*City Manager*)

THIS YEAR'S LEVY TO FUND MAINTENANCE AND OPERATIONS EXPENDITURES DOES NOT EXCEED LAST YEAR'S MAINTENANCE AND OPERATIONS TAX LEVY

THIS BUDGET WILL RAISE LESS REVENUE FROM PROPERTY TAXES THAN LAST YEAR'S BUDGET BY AN AMOUNT OF \$-2,153, WHICH IS A -0.09 PERCENT DECREASE FROM LAST YEAR'S BUDGET. THE PROPERTY TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR IS \$75.

Motion by Council Member Stewart must be stated as; **THIS YEAR'S PROPOSED TAX RATE DOES NOT EXCEED THE NO-NEW-REVENUE TAX RATE**

Motion seconded by Council Member Rodriguez and upon being put to a vote the motion passed.

RECORD VOTE REQUIRED: VOTE BY SHOW OF HANDS

VOTING	"AYE"	"NAY"	"ABSTAIN"
Josh Stevens	√		
Brant Stewart	√		

Marie A. Briseno	✓
LUCIANO REYES	✓
DORE EVAN RODRIQUEZ	✓
BOBBY G. GONZALES	✓
Doug Morris	✓

RESOLUTION APPROVING THE EXECUTION OF A FIRE SERVICE AGREEMENT WITH DAWSON COUNTY, TEXAS FOR THE FIRE PROTECTION SERVICES TO RESIDENTS OF THE UNINCORPORATED AREAS OF DAWSON COUNTY: City Council to approve the execution of a Fire Service Agreement with Dawson County, Texas, for the Fire Protection Services to residents of the unincorporated areas of Dawson County for a period specified and authorizing the Mayor of the City of Lamesa to execute such Fire Service Agreement on behalf of the city.

Motion by Council Member Morris to. approve a Resolution for the execution of a Fire Service Agreement with Dawson County, Texas, for the Fire Protection Services to residents of the unincorporated areas of Dawson County for a period specified and authorizing the Mayor of the City of Lamesa to execute such Fire Service Agreement on behalf of the city. Motion seconded by Council Member Gonzales and upon being put to a vote the motion passed.

VOTING:	"AYE" 7	"NAY"	"ABSTAIN"
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RESOLUTION APPROVING THE EXECUTION OF A SOLID WASTE LANDFILL ACCESS AGREEMENT WITH DAWSON COUNTY: City Council to approve the execution of a Solid Waste Landfill Agreement with Dawson County, Texas, and authorizing the mayor of the City of Lamesa to execute such solid waste landfill access agreement on behalf of the city.

Motion by Council Member Rodriquez to. approve a Resolution for the execution of a Solid Waste Landfill Agreement with Dawson County, Texas, and authorizing the mayor of the City of Lamesa to execute such solid waste landfill access agreement on behalf of the city. Motion seconded by Council Member Stewart and upon being put to a vote the motion passed.

VOTING:	"AYE" 7	"NAY"	"ABSTAIN"
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RESOLUTION APPROVING THE EXECUTION OF A COMMUNICATIONS AND JAIL SERVICE AGREEMENT WITH DAWSON COUNTY: City Council to approve the execution of a Communications and Jail Service Agreement with Dawson County, Texas, and authorizing the mayor of the City of Lamesa to execute such communications and jail service agreement on behalf of the city. *(City Manager)*

Motion by Council Member Gonzales to. approve a Resolution for the execution of a Communications and Jail Service Agreement with Dawson County, Texas, and authorizing the mayor of the City of Lamesa to execute such communications and jail service agreement on behalf of the city. Motion seconded by Council Member Morris and upon being put to a vote the motion passed.

VOTING:

"AYE" 7

"NAY"

"ABSTAIN"

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

MAYORS REPORT: Mayor to report on future plans and goals.

ADJOURNMENT: *The next regularly scheduled meetings of the City Council of the City of Lamesa will be September 8, 2020 at 5:30 P.M.*

Upcoming Meetings

- **September 8, 2020 (Tuesday) Regular Council Meeting – 2nd Reading of Ordinance for Tax Rate with Record Vote (I&S, M&O and Total)**
- **September 15, 2020 (Tuesday) Regular Council Meeting to be canceled**

• ATTEST:

•
•

• _____
• Betty Conde
• City Secretary

APPROVED:

Josh Stevens
Mayor

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: SEPTEMBER 8, 2020

AGENDA ITEM: 4

SUBJECT: CONSIDER PASSING AN ORDINANCE CLOSING,
ABANDONING AND VACATING AN ALLEY IN THE CITY OF
LAMESA

PROCEEDING: Ordinance; Second reading

SUBMITTED BY: City Staff

EXHIBITS: Petition

AUTHORITY: State Law; Transportation Code, Section 311.007;
City Charter; Article III, Section 11.

SUMMARY STATEMENT

City Council to consider passing an Ordinance on second reading to close, abandon and vacate that portion of the alley in Block 19 of the College Addition to the town of Lamesa, Dawson County, Texas, which lies East of the West 15 feet of Lots 5 and 8, in Block 19, of the College Addition. (*City Manager & City Attorney*)

COUNCIL ACTION

DISCUSSION _____

Motion by Council Member _____ to consider passing an Ordinance on second reading to close, abandon and vacate that portion of the alley in Block 19 of the College Addition to the town of Lamesa, Dawson County, Texas, which lies East of the West 15 feet of Lots 5 and 8, in Block 19, of the College Addition. 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 OF THE CITY COUNCIL OF THE CITY OF LAMESA, TEXAS, CLOSING, ABANDONING AND VACATING THAT PORTION OF THE ALLEY IN BLOCK 19 OF THE COLLEGE ADDITION TO THE TOWN OF LAMESA, DAWSON COUNTY, TEXAS, WHICH LIES EAST OF THE WEST 15 FEET OF LOTS 5 AND 8, IN BLOCK 19, OF THE COLLEGE ADDITION TO THE TOWN OF LAMESA, DAWSON COUNTY, TEXAS.

On the _____ day of _____, 2020, 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 (Texas Government Code, Chapter 551) and 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:

There came on for consideration the Petition of Kenneth D. Wiley and wife, Robin Wiley, to close, abandon and vacate that portion of the alley located in Block 19 of the College Addition to the Town of Lamesa, Dawson County, Texas, which lies East of the West 15 feet of Lots 5 and 8 in said Block 19.

The City Council finds that Petitioners, Kenneth D. Wiley and wife, Robin Wiley, are the owners of all of the property lying adjacent to and abutting said alley lying East of the West 15 feet of Lots 5 and 8, Block 19 of said College Addition which Petitioners request be closed, vacated and abandoned; that there is no public necessity for the existence of such alley; that closing, abandoning and vacating such alley will in no way impede fair and adequate access and use of the property owned by the Petitioners or any other property which adjoins the alley lying within Block 19, of the College Addition to the Town of Lamesa, Dawson County, Texas; that closing, abandoning and vacating such portion of the alley located in Block 19 of said College Addition to the Town of Lamesa, Dawson County, Texas, will not inconvenience the public and will serve the public good by reason of the fact that the City will not be put to the expense of maintaining such alley.

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

Section 1: That the portion of the alley located in Block 19 of the College Addition to the Town of Lamesa, Dawson County, Texas, which lies East of the West 15 feet of Lots 5 and 8 in said Block 19, be, and same is hereby, closed, abandoned and permanently vacated as a public right-of-way and alley.

Section 2: That the title to the portion of said alley and right-of-way hereby closed, vacated and abandoned shall revert to the adjacent owners as provided by law, save and except that all easements now held by the City of Lamesa are reserved for any and all existing and future utilities.

Section 3: Be it further ordained by the City Council of the City of Lamesa, Texas, that a certified copy of this Ordinance shall be filed in the Official Public Records of Dawson County, Texas.

Upon being put to a vote, the foregoing ordinance was Passed, on First Reading on the _____ day of _____, 2020, by a majority vote; and then on the _____ day of _____, 2020, 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 (Texas Government Code, Chapter 551) 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 and Final Reading and Adopted this _____ day of _____, 2020, 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:

Betty Conde
City Secretary

Josh Stevens
Mayor

PETITION TO CLOSE ALLEY

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF LAMESA:

COMES NOW Kenneth D. Wiley and wife, Robin Wiley, each of whom is an individual residing within the City of Lamesa, Dawson County, Texas, and pursuant to Section 311.007 of the Texas Transportation Code and the applicable laws pertaining to Texas home rule municipalities, respectfully file this petition to close, abandon and vacate a portion of the alley lying within Block Nineteen (19) of the College Addition to the Town of Lamesa, Dawson County, Texas, same being situated within the corporate limits of the City of Lamesa, and as grounds therefore, would respectfully show as follows:

1. Petitioners, Kenneth D. Wiley and wife, Robin Wiley, are the owners of all of the following described real property, to-wit:

All of Lots 1, 2, 3, 4, 8, 9, 10, 11, 12 and the East 35 feet of Lot 5, Block 19, of the College Addition to the Town of Lamesa, Dawson County, Texas; SAVE AND EXCEPT the West 15 feet of said Lot 5.

2. Petitioners are the owners of all of the property which abuts the alley located in Block 19 of the College Addition to the Town of Lamesa, Dawson County, Texas, which lies East of the West 15 feet of Lots 5 and 8 in said Block 19.

3. Petitioners request that all of that portion of the alley located in Block 19 of the College Addition to the Town of Lamesa, Dawson County, Texas, which lies East of the West 15 feet of Lots 5 and 8 in said Block 19, be closed, abandoned and vacated.



4. Petitioners would show that the portion of the alley lying within Block 19 of the College Addition to the Town of Lamesa, Dawson County, Texas, which Petitioners wish to close, although once having been opened for public use, is not now, and has not been for many years, used or maintained as a public alley or roadway. The abandoning and closing of such

portion of the alley lying adjacent to Petitioners' property will in no way impede fair and adequate access and use of the property owned by the Petitioners or any other property adjoining the alley lying within Block 19 of the College Addition. Said alley is not now being used or required by the City of Lamesa for trash collection or for any other purpose.

5. No public or private interest will be served by maintaining the portion of the alley which Petitioners request be closed, vacated and abandoned.

WHEREFORE, PREMISES CONSIDERED, Petitioners pray that an ordinance be enacted by the City Council of the City of Lamesa closing, vacating and abandoning that portion of the alley located in Block 19 of the College Addition to the Town of Lamesa, Dawson County, Texas, which lies East of the West 15 feet of Lots 5 and 8 in said Block 19.

Respectfully submitted,


Kenneth D. Wiley

Robin Wiley

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: SEPTEMBER 8, 2020

AGENDA ITEM: 5

SUBJECT: **REQUEST FOR PROPOSALS**
PROCEEDING: Approval
SUBMITTED BY: City Staff
EXHIBITS
AUTHORITY:

SUMMARY STATEMENT

City Council to discuss and take action on advertising for the parks department regarding contracting/ outsourcing for mowing and grass and weed maintenance. (*City Manager & Parks & Streets Director*)

COUNCIL ACTION

DISCUSSION _____

Motion by Council Member _____ to. take action on advertising for the parks department regarding contracting/ outsourcing for mowing and grass and weed maintenance. 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 Council Agenda

City of Lamesa, Texas

DATE OF MEETING: SEPTEMBER 8, 2020

AGENDA ITEM: 6

SUBJECT: **REQUEST FOR PROPOSALS**
PROCEEDING: Approval
SUBMITTED BY: City Staff
EXHIBITS
AUTHORITY:

SUMMARY STATEMENT

City Council to discuss and take action on advertising for request for proposals for the streets department regarding contracting/outourcing sealcoating and extensive street repair. *(City Manager & Parks & Streets Director)*

COUNCIL ACTION

DISCUSSION _____

Motion by Council Member _____ to take action on advertising for request for proposals for the streets department regarding contracting/outourcing sealcoating and extensive street repair. 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 Council Agenda

City of Lamesa, Texas

DATE OF MEETING: SEPTEMBER 8, 2020

AGENDA ITEM: 7

SUBJECT: TAX ABATEMENT AGREEMENT BETWEEN CITY OF LAMESA, TEXAS, AND VISTA PARK LAMESA, LLC:

PROCEEDING: Resolution

SUBMITTED BY: City Attorney

EXHIBITS: Agreement

AUTHORITY: Chapter 312 of Texas Tax Code

SUMMARY STATEMENT

City Council to consider passing a resolution authorizing the City of Lamesa to enter into a Tax Abatement Agreement with Vista Park Lamesa, LLC. *(City Manager)*

COUNCIL ACTION

DISCUSSION _____

Motion by Council Member _____ to pass a resolution authorizing the City of Lamesa to enter into a Tax Abatement Agreement with Vista Park Lamesa, LLC. Motion seconded by Council Member _____ and upon being put to a vote the motion _____.

VOTING: "AYE" _____ "NAY" _____ "ABSTAIN" _____

CITY MANAGER'S MEMORANDUM

APPROVED

**Tax Abatement Agreement Between
City of Lamesa, Texas, and Vista Park Lamesa LLC**

**State of Texas §
 §
County of Dawson §**

This Tax Abatement Agreement ("the Agreement") is made and entered into by and between the City of Lamesa, Texas, ("City"), acting through its duly authorized officers, and Vista Park Lamesa LLC ("Owner"), owner of Eligible Property (as hereinafter defined) to be located on the tract of land comprising the Lamesa Vista Park Reinvestment Zone and specifically described in Exhibit A to this Agreement, and becomes effective as set forth in Section XVII hereof.

I. Authorization

This Agreement is authorized by the City Council of the City of Lamesa, Texas, acting generally under chapter 312 of the Texas Tax Code, as amended and under the City of Lamesa Guidelines and Criteria for Granting Tax Abatements in Reinvestment Zones (the "Guidelines").

II. Definitions.

As used in this Agreement, the following terms shall have the meaning set forth below:

A. "Abatement" means the full or partial exemption from ad valorem taxes on property in Reinvestment Zone.

B. "Calendar Year" means each year beginning on January 1 and ending on December 31.

C. "Certificate" means a letter, provided by Owner to the city, certifying that Owner has completed construction of a particular phase of the residential project described herein, outlining the Improvements included in the project, and stating the overall capacity of the project. Upon receipt of a Certificate, the City may inspect the property within the Reinvestment Zone in accordance with this Agreement to determine the Improvements are in place as certified.

D. "Certified Appraised Value" means the appraised value, for property tax purposes, of the property within the Reinvestment Zone as certified by the Dawson County Appraisal District for each taxable year.

E. "Eligible Property" means property eligible for Abatement under the Guidelines, including: new, expanded or modernized buildings and structures; fixed machinery and equipment; Site improvements; related fixed improvements; other tangible items necessary to the operation

and administration of the project of facility; and all other real and tangible personal property permitted by Chapter 312 of the Texas Tax Code and the Guidelines. Taxes on Real Property may be abated only to the extent the property's value for a given year exceeds its value for the year in which the Agreement is executed. Tangible personal property located on the real Property at any time before the period covered by the Agreement is not eligible for Abatement. Tangible personal property eligible for Abatement shall not include inventory or supplies.

F. "Improvements" means Eligible Property meeting the definition for Improvements provided by Chapter 1 of the Texas Tax Code and includes, but is not limited to, any building, structure, or fixture erected or affixed to the land.

G. "Real Property" means Eligible Property meeting the description for real property provided by Chapter 1 of the Texas Tax Code.

H. "Reinvestment Zone" means the reinvestment zone, as that term is defined in Chapter 312 of the Texas Tax Code, created by the City Council of the City of Lamesa by Ordinance No _____ duly passed by the City Council of the City of Lamesa on August 4, 2020, and on August 20, 2020, and included as Exhibit A to this Agreement.

I. "Site" means all of or the portion of the Reinvestment Zone on which Owner makes the Improvements for which the Abatement is granted hereunder.

III. Improvements in Reinvestment Zone

Conditioned upon Owner obtaining successful financing to construct and operate the Improvements, Owner agrees to make the following Improvements in consideration for the Abatement set forth in Paragraph IV of this Agreement:

A. Owner intends to construct Improvements on the Site consisting of a residential and commercial development for the 28-acre property along the northwestern edge of the City of Lamesa in the Forrest Hills Addition (the "Project") north of highway 180/N 4th Street. These Improvements will be constructed according to the following three phases of development:

1. Phase I – Vista Park Living: This phase of Improvements will develop the twelve (12) acres located at 1202 N Avenue R with a modern, high-quality apartment complex. The initial nine, three-story, buildings will reflect the latest in modern architectural design, with a strong focus on energy efficiency and enhanced security. When completed, over 324 apartment units will be available.

2. Phase II – Vista Park Multi-Family: This phase of Improvements will develop the ten (10) acres directly to the south of the Vista Park Living apartments as a multi-family housing neighborhood with approximately 80-110 front doors constructed as duplexes, triplexes, and quadruplexes.
3. Phase III – Vista Park Commercial: The final phase of Improvements will develop the remaining six (6) acres as street-front commercial. City needs and community demands will likely determine the type and design of commercial construction.

B. Improvements also shall include but not be limited to any and all other property in the Reinvestment Zone meeting the definition of Eligible Property that is used to enhance and support other functions related to the new residential development. The City agrees that any equipment, roads, operations and maintenance facilities, business offices, greenspaces, swimming pools, and other related structures affixed to the land are fixtures that will constitute Improvements under this Agreement.

IV. Term and Portion of Tax Abatement; Taxability of Property

A. The City and Owner specifically agree and acknowledge that the property in the Reinvestment Zone shall be taxable in the following ways before and during the term of the Agreement:

1. Property not eligible for Abatement, if any, shall be fully taxable;
2. The Certified Appraised Value of property existing in the Reinvestment Zone prior to execution of this Agreement shall be fully taxable for the full term of this Agreement;
3. 100% of property taxes levied on the Certified Appraised Value of real and personal property located in the Reinvestment Zone are payable prior to commencement of the abatement periods designated in Paragraph IV(B) below;
4. 100% of City property taxes on the Certified Appraised Value of eligible Property shall be abated as provided for by Paragraph IV(B) below; and
5. 100% of the Certified Appraised Value of Eligible Property existing in the Reinvestment Zone shall be fully taxable after expiration of the abatement period(s) applicable to that property as designated in Paragraph IV(B)

B. The City and Owner specifically agree and acknowledge that this Agreement shall provide for Abatement, under the conditions set forth herein, of all City ad Valorem property taxes as follows:

1. Beginning on the Effective Date for each respective phase for completion of the Improvements and ending upon the conclusion of five (5) full calendar years thereafter, Abatement is granted as of January 1 of each tax year as follows:
 - a. 100% of property taxes on the Certified Appraised Value of all Improvements described in the Certificate (and actually in place in the Reinvestment Zone) are abated; and
 - b. 100% of property taxes on the Certified Appraised Value of any and all otherwise taxable personal property owned by Owner and brought onto the Reinvestment Zone after this Agreement is executed are abated.
2. The base year value for the proposed Improvements is zero.

C. A portion or all of the Improvements may be eligible for complete or partial exemption from ad valorem taxes as a result of existing law or future legislation.

This Agreement is not to be construed as evidence that no such exemptions shall apply to the Improvements.

V. Representation

The City and Owner make the following representations:

A. Owner represents and agrees that (i) Owner will have a taxable interest with respect to Improvements to be placed on the property; (ii) consideration of the proposed Improvements will be performed by the Owner and/or their contractors or subcontractors, (iii) Owner's use of the property in the Reinvestment Zone is limited to that which is consistent with the general purpose of encouraging development or redevelopment of the area during the period of the Abatement, and (iv) all representations made in the Application for Abatement are true and correct to the best of Owner's knowledge.

B. The City represents that (i) the Reinvestment Zone and this agreement have been created by the City and that the City is authorized to enter into this Agreement and to provide the tax abatement set forth in this Agreement; (ii) that the property within Reinvestment Zone is located within the legal boundaries of the City and (iii) the City has made and will continue to make all

required filings with the Office of the Comptroller of Public Accounts and other governmental entities concerning the Reinvestment Zone and this Agreement.

VI. Access to the Inspection of the Property by District Employees

A. Owner shall allow the City's employees access to the Improvements of the purposes of inspecting any Improvements erected to ensure that the same are conforming to the minimum specifications of Section III of this Agreement and to ensure that all terms and conditions of this Agreement are being met. All such inspections shall be made only after given Owner twenty-four (24) hours' notice and shall be conducted in such a manner as to avoid any unreasonable interference with the construction and/or operation of the Improvements. All such inspections shall be made with one (1) or more representatives of Owner in accordance with all applicable safety standards.

B. Owner shall, within ninety (90) days prior to each April 15, also certify annually to the City its compliance with this Agreement by providing written testament to the same to the City Manager of the City of Lamesa.

VII. Default, Remedies and Limitation of Liability

A. The City may declare a default if Owner breaches any material term or condition of this Agreement. If the City declares a default of this Agreement, this Agreement shall terminate, after notice and opportunity to cure as provided for below, or the City may modify the Agreement upon mutual agreement with Owner. If Owner believes that such termination was improper, Owner may file suit for injunctive relief in the proper court challenging such termination and no such termination shall occur until a final non-appealable order or judgment has been obtained confirming such termination.

B. The City shall not declare a default, and not default will be deemed to have occurred, when the circumstances giving rise to such declaration are the result of a "force majeure event." Should performance of any obligation created under this Agreement become illegal or impossible by reason of any Force Majeure Event, defined below, then the performance of any such obligation is suspended during the period of, and only to the extent of, such prevention or hindrance. In order to invoke this provision, the Owner shall provide written notice to the City within five (5) days of the occurrence of the Force Majeure Event and exercise all reasonable diligence to remove the cause of force majeure. For purposes of this provision, a Force Majeure Event may include but is not limited to the following: fire; flood; famine; drought; storm; act of God; governmental act, order, law, ordinance, or other authority; labor disputes; war, police action, or other military action of the United States or the State of Texas; terrorist attacks; pandemic or epidemic as declared by any governmental authority or agency of the United States or one or more of the state governmental authorities or agencies of the State of Texas; or any other cause not

enumerated herein but which is beyond the reasonable control of the Party whose performance is affected. All such Force Majeure Events are limited to only those events which are affecting or applicable to the county in which this Agreement is performable and only if the Party claiming such Force Majeure Event is prevented from performing, in whole or in part, its obligations under this Agreement as a result.

C. The City shall notify Owner of any default in writing in the manner prescribed herein. The notice shall specify the basis for the declaration of default, and Owner shall have sixty (60) days from the date of such notice to cure any default, except that where fulfillment of any obligation requires activity over a period of time, performance shall be commenced within sixty (60) days after the receipt of notice, and such performance shall be diligently continued until the default is cured. The City shall also provide the same default notice and opportunity to cure to any party providing financing of the Improvements for the benefit of Owner, provided that Owner first provides the City the identity of the party providing such financing, together with the address to which the default notice should be sent.

D. As required by Section 312.205 of the Texas Tax Code, if Owner fails to make the Improvements as provided for by this Agreement, the city shall be entitled to cancel or modify the Agreement and recapture property tax revenue lost as a result of the Agreement, subject to the above provisions regarding notice and right to cure.

E. By and provided that all conditions precedent set forth in this Agreement have been fulfilled, City and Owner have agreed under Chapter 312 of the Texas Tax Code that Owner will make the improvements and take other actions specified in this Agreement in exchange for Abatement from the City on those Improvements. Cancellation or modification of the Agreement and recapture of property taxes, as appropriate, along with any reasonably incurred costs and fees, shall be the City's sole remedy in the event Owner fails to make the specified Improvements or take other action required by this Agreement.

F. Any notice of default under this Agreement shall be sent to Owner in the manner provided for in this Agreement and shall prominently state the following at the top of the notice:

NOTICE OF DEFAULT UNDER TAX ABATEMENT AGREEMENT

YOU ARE HEREBY NOTIFIED OF THE FOLLOWING DEFAULT UNDER YOUR TAX ABATEMENT AGREEMENT WHT THE DISTRICT. FAILURE TO CURE THIS DEFAULT WITHIN SIXTY DAYS OF NOTICE OR OTHERWISE CURE THE DEFAULT AS PRODIDED BY THE AGRTEEMENT SHALL RESULTIN IN TERMINATION OF THE TAX ABATEMENT AGREEMENT AND, IF THE DEFAULT INVOLVES FAILURE TO MAKE IMPROVEMENTS UNDER THE AGREEMENT RECAPTURE OF TAXES ABATED PURSUANT TO THAT AGREEMENT.

VIII. Compliance with State and Local Regulations

Nothing in this Agreement shall be construed to alter or affect the obligations of Owner to comply with any order, rule, statute or regulation of the City or the State of Texas.

IX. Assignment of Agreement

This Agreement may be assigned, in whole or in part, by Owner, including but not limited to collateral assignments of the Agreement to any party providing financing to the Owner or an affiliate of Owner or to a new Owner or new lessee provided that the Owner first shall provide written notice of such assignment to the City. Upon such assignment Owner shall remain liable to the City for all outstanding taxes and other obligations accrued under this Agreement prior to the date of such assignment and the Owner's assignor shall be liable to the City for all outstanding taxes and other obligations accruing after the date of the assignment.

X. Notice

All notices shall be in writing and mailed by certified or registered mail. Any notice or other communication shall be deemed to be received three (3) days after the date of deposit in the United States mail. Unless otherwise provided in this Agreement, all notices shall be mailed to the following addresses:

To the Owner: VISTA PARK LAMESA LLC
 Attn: Ron Smith
 4713 Eagle Feather Drive
 Austin, Texas 78735-6475

To the City: CITY OF LAMESA
 Attn: City Manager
 601 South 1st Street
 Lamesa, Texas 331

Any party may designate a different address by giving the other party ten (1) days written notice in the manner prescribed above.

A notice of default under this Agreement shall not be considered to have been received unless the City has received written confirmation that the party to whom the notice was addressed or his agent received such notice, including a certificate of receipt from the Post Office or other form of written confirmation.

XI. Severability

In the event any section or other part of this Agreement is held invalid, illegal, factually insufficient, or unconstitutional, the balance of this Agreement shall stand, shall be enforceable, and shall be read as if the parties intended at all times to delete said invalid section or other part. In the event that (i) the term of the Abatement with respect to any property is longer than allowed by law, or (ii) the Abatement applies to a broader classification of property than is allowed by law, then the Abatement shall be valid with respect to the classification of property not deemed overbroad, and for the portion of the term of the Abatement not deemed excessive. Any provision required by the Texas Tax Code to be contained herein that does not appear herein is incorporated herein by reference.

XII. Applicable Law

This Agreement shall be construed under the laws of the State of Texas.

XIII. Amendment

Except as otherwise provided, this Agreement may be modified by the parties hereto upon mutual consent to include other provisions which could have originally been included in this Agreement or delete provisions that were not originally necessary to this Agreement pursuant to the procedures set forth in Chapter 312 of the Texas Tax Code.

XIV. Guidelines and Criteria

To the extent this Agreement modifies any requirement or procedure set forth in the Guidelines, the Guidelines are deemed amended for purposes of this Agreement only.

XV. Entire Agreement

This Agreement contains the entire and integrated Tax Abatement Agreement between the City and Owner, and supersedes any and all other negotiations and agreements, whether written or oral, between the parties. This agreement has not been executed by either the Owner or the City in reliance upon any representation or promise except those contained herein.

XVI. Effective Date

Each respective phase of the construction and development of the Improvements shall have a separate Effective Date. Beginning with Phase I of the Project and applying to each respective phase of construction and development of the Improvements as described herein, this Agreement shall become effective on January 1st of the Calendar Year immediately following the Calendar

Year in which the Owner provides the Certificate to the City as described herein. This Agreement will not be effective for a particular construction phase of the Project until the Owner provides this Certificate to the City for that phase of the Project.

At Owner's option, however, this Agreement shall become effective on January 1st of the first Calendar Year following the Calendar Year in which installation of the Improvements at the Site commences (the "1st Abatement Year"). Exercise of said option by Owner shall only be effective if Owner delivers a written option exercise notice to the City before January 31st of the 1st Abatement Year. At any time after delivery of said notice, the City may inspect the property within the Reinvestment Zone to determine that the value of the Improvements that are in place and subject to abatement pursuant to this Agreement.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN TESTIMONY OF WHICH, THIS AGREEMENT has been executed by the City as authorized by the City Council of the City of Lamesa, Texas, on the ____ day of _____, 2020, and by the Owner on the ____ day of _____, 2020.

ATTEST//SEAL:

CITY OF LAMESA, TEXAS

By: _____
Josh Stevens, Mayor

VISTA PARK LAMESA LLC

By: _____
Ronald Smith, Managing Member

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: SEPTEMBER 8, 2020

AGENDA ITEM: 8

**SUBJECT: RESOLUTION ON DEVELOPMENT AGREEMENT BETWEEN
THE CITY OF LAMESA, TEXAS AND VISTA PARK LAMESA,
LLC.**

PROCEEDING: Approval

SUBMITTED BY: City Staff

EXHIBITS Resolution

AUTHORITY: City Charter, City Code, Texas Government Code

SUMMARY STATEMENT

City Council to consider passing a resolution authorizing the City of Lamesa to enter into a Development Agreement between the City of Lamesa, Texas, and Vista Park Lamesa, LLC.
(City Manager)

COUNCIL ACTION

DISCUSSION _____

Motion by Council Member _____ to pass a resolution authorizing the City of Lamesa to enter into a Development Agreement between the City of Lamesa, Texas, and Vista Park Lamesa, LLC. Motion seconded by Council Member _____ and upon being put to a vote the motion _____.

VOTING: "AYE" _____ "NAY" _____ "ABSTAIN" _____

CITY MANAGER'S MEMORANDUM

Recommend approval.

STATE OF TEXAS §
 §
COUNTY OF DAWSON §

DEVELOPMENT AGREEMENT

This Development Agreement ("Agreement") is entered into this ____ day of August, 2020, by and between the City of Lamesa, Texas, a Texas home rule municipal corporation (the "City") and Vista Park Lamesa, LLC ("the Developer").

WITNESSETH:

WHEREAS, Developer is the developer of certain real property adjacent to along the northwestern edge of the City in the Forrest Hills Addition, north of highway 180/N 4th Street, located within the corporate limits of the City;

WHEREAS, Developer plans to proceed in three phases of construction, beginning with the 12 acres located directly south of North 12th Street at 1202 N Avenue R, otherwise known as "Phase I";

WHEREAS, During Phase I, Developer is required, pursuant to Chapter 10 of the City of Lamesa Code of Ordinances, to participate in the paving of North 11th Street from North Avenue R to North Avenue Q, and North Avenue R from North 12th Street to North 10th Street, including drainage and sewer improvements within the right of way, and to bear the cost of such participation;

WHEREAS, a portion of North 11th Street and North Avenue R is related to the Developer's development and is unpaved (the "Unpaved Portion"), said Unpaved Portion being depicted on **Exhibit A**, attached hereto, and is the responsibility of Developer to participate in such paving;

WHEREAS, a portion of North Avenue S is along the western border of the Developer's Phase I development and is unpaved, and said unpaved portion of North Avenue S is not the responsibility of Developer to participate in such paving until Phase II, which is the multi-family portion of the development, is platted with the City and an additional agreement for the development of Phase II is reached with the City;

WHEREAS, the City desires that such Unpaved Portion now be paved;

WHEREAS, the City and Developer now desire to enter into this Agreement wherein City agrees to pay to Developer the City's tapping fees.

NOW, THEREFORE, in consideration of the mutual covenants, promises and obligations set forth herein, the sufficiency of which is hereby acknowledged, the City and Developer hereby agree as follows:

SECTION 1 Developer Activities

- 1.01 Developer shall proceed in a diligent manner to completion of the Unpaved Portion of North 11th Street and North Avenue R in accordance with all applicable laws, City of Lamesa Code of Ordinances, and City of Lamesa policies. Completion of paving shall occur on or before _____, 2021. Completion of the Unpaved Portion of North 11th Street and North Avenue R shall not be deemed to have occurred unless and until the City shall have accepted such paving as being in compliance with the terms of this Agreement.
- 1.02 Developer shall comply with applicable laws related to private performance of public improvements, including without limitation, Subchapter C of Chapter 212 of the Local Government Code.

SECTION 2 City Participation

- 2.01 Pursuant to Section 10.02.124 of the City of Lamesa Code of Ordinances, the City shall install or construct all water and sanitary sewer mains as approved on the plans either directly or by contract for Phase I of the development. Should a water and sewer main be extended in excess of mains necessary to serve the subdivision and upon approval by the City of Lamesa City Council, the City shall pay to the Developer the difference of cost in extending a water and sewer main, provided the City Council finds that the water and sewer main in excess of mains is necessary to take care of future development and is beneficial and necessary to maintain adequate flow of water and sewer.
- 2.02 The City shall, subject to the terms hereof, participate in the development costs of Phase I by waiving the required water service tapping charges at their regular charge for such service and any building, water, sewer, plumbing, or electrical permit fees.
- 2.03 It is expressly stipulated that the City shall owe no funds to Developer unless and until the Unpaved Portion of North 11th Street and North Avenue R is completed in accordance with all laws, City of Lamesa Code of Ordinance provisions, and City of Lamesa policies.

SECTION 3 Escrow Construction Account

- 3.01 Pursuant to Section 10.02.121 of the City of Lamesa Code of Ordinances and after the final plat has been approved and before any improvements are made or utilities installed, the City will complete a preliminary engineering survey and study detail to determine the requirements for such work. The Developer shall agree to pay into an escrow construction

account an amount equal to one hundred percent (100%) of the estimated costs of the required water and sewer extensions and engineering. This cost will be based upon estimated quantities, as determined by the engineering department from their preliminary survey and study, using the lowest unit prices received for each phase of construction, as established by formal or informal proposals from at least two (2) outside contractors at the time the work is to be done. In the event such escrow construction account is not so submitted, this Agreement shall be null and void and of no force and effect.

SECTION 4 Additional Safeguards

- 4.01 All of Developer's books and other records related to the Developer's paving of North 11th Street and North Avenue R shall be available for inspection by the City at the offices of Developer at 1202 N. Avenue R, Lamesa, Texas 79331, upon and during business hours thereof. Developer shall furnish actual contract documentation to the City that depicts the actual costs of paving of North 11th Street and North Avenue R prior to fee waiver request to the City.

SECTION 5 Term

- 5.01 The term of this Agreement shall begin on the date of execution of this Agreement by City and end upon the complete performance of all obligations by each party to this Agreement.

SECTION 6 Indemnity

- 6.01 **DEVELOPER AGREES TO DEFEND, INDEMNIFY, AND HOLD CITY, ITS OFFICERS, AGENTS, EMPLOYEES, AND ELECTED OFFICIALS, HARMLESS FROM AND AGAINST ANY AND ALL CLAIMS, LAWSUITS, LIABILITIES, JUDGMENTS, COSTS AND EXPENSES FOR ANY HARM FOR WHICH RECOVERY OF DAMAGES IS SOUGHT THAT MAY ARISE OUT OF, BE OCCASIONED BY OR RELATED TO DEVELOPER'S BREACH OF ANY OF THE TERMS OR PROVISIONS OF THIS AGREEMENT.**

TO THE EXTENT ALLOWED BY LAW, THE CITY AGREES TO DEFEND, INDEMNIFY, AND HOLD DEVELOPER, ITS OFFICERS, AGENTS, EMPLOYEES, AND ELECTED OFFICIALS, HARMLESS FROM AND AGAINST ANY AND ALL CLAIMS, LAWSUITS, LIABILITIES, JUDGMENTS, COSTS AND EXPENSES FOR ANY HARM FOR WHICH RECOVERY OF DAMAGES IS SOUGHT THAT MAY ARISE OUT OF, BE

**OCCASIONED BY OR RELATED TO CITY'S BREACH OF ANY
OF THE TERMS OR PROVISIONS OF THIS AGREEMENT.**

SECTION 7 Events of Default / Remedies

- 7.01 A default shall exist if either party fails to perform or observe any material covenant or obligation contained in this Agreement, or if any material representation and/or warranty provided for herein is not true or correct. The non-defaulting party shall notify the defaulting party in writing upon becoming aware of any event that constitutes a default. Such notice shall specify the nature of the default and what action, if any, the non-defaulting party requires or proposes to require with respect to curing the default.
- 7.02 If a default shall occur and be continuing, after ten (10) days written notice to cure such default, the non-defaulting party may pursue any and all remedies it may be entitled to at law, contract, equity, or otherwise, including without limitation, termination of this Agreement. It is agreed that failure to declare this Agreement terminated upon the default of Developer for any of the reasons set forth above shall not be construed as a waiver of any of the City's rights hereunder or otherwise bar or preclude City from declaring this Agreement terminated as a result of any subsequent violation of any of the terms or conditions of this Agreement. All of such remedies are expressly cumulative and the exercise of one or more remedies shall not preclude the simultaneous or subsequent exercise of different or additional remedies.

SECTION 8 Miscellaneous

- 8.01 **Venue and Choice of Law.** This Agreement is performable in Dawson County, Texas, and venue for any action arising out of this Agreement shall be exclusively in Dawson County, Texas. This Agreement shall be governed by and construed in accordance with the laws of the State of Texas.
- 8.02 **Notice.** Any notice required by this Agreement shall be deemed to be properly served, if (i) provided in person or by telephonic facsimile; or (ii) deposited in the United States mail by certified letter, return receipt requested, addressed to the recipient at recipient's address shown below, subject to the right of either party to designate a different address by notice given in the manner just described. Notice shall be deemed to be received when delivered if provided in person or by telephonic facsimile or, if deposited in the United States mail, as set forth above, (4) days after depositing such notice in the United States mail, as set forth above.

To the Developer: VISTA PARK LAMESA LLC
Attn: Ron Smith
4713 Eagle Feather Drive
Austin, Texas 78735-6475

To the City: CITY OF LAMESA
Attn: City Manager
601 South 1st Street
Lamesa, Texas 331

Any party may designate a different address by giving the other party ten (10) days written notice in the manner prescribed above.

- 8.03 **Savings Clause.** In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, except as may otherwise be provided herein, such invalidity, illegality or unenforceability shall not in any way affect any other provision hereof and this Agreement shall be considered as if such invalid, illegal or unenforceable provision had never been contained in this Agreement.
- 8.04 **Authority to Contract.** City and Developer each bind themselves and their successors and assigns to the other parties of this Agreement. Developer represents and warrants to City that it (i) possesses the requisite power and authority to execute, deliver and perform this Agreement; (ii) has taken all actions and formalities necessary to authorize Developer to execute, deliver and perform this Agreement; and (iii) the party executing for and on behalf of Developer has been duly authorized to act in such behalf for Developer.
- 8.05 **Availability of Funds.** City and Developer herein recognize that the continuation of any agreement at the close of any given fiscal year of the City of Lamesa, Texas, which fiscal year ends on September 30 of each year, shall be subject to Council budget approval of the City, providing for or covering such agreement item as an expenditure therein. The City does not represent that said budget item will actually be adopted as this determination is within the sole discretion of the City Council.
- 8.06 **Reservation of Rights and Remedies.** The City reserves the right to exercise any right or remedy available to it by law, contract, equity, or otherwise, including without limitation, the right to seek any and all forms of relief in a court of competent jurisdiction. Further, the City shall not be subject to any arbitration process prior to exercising its unrestricted right to seek judicial remedy. The remedies set forth herein are cumulative and not exclusive, and may be exercised concurrently. To the extent of any

conflict between this provision and another provision in, or related to, this document, this provision shall control.

8.07 Entire Agreement

This Agreement contains the entire and integrated Development Agreement between the City and Developer, and supersedes any and all other negotiations and agreements, whether written or oral, between the parties. This agreement has not been executed by either the Developer or the City in reliance upon any representation or promise except those contained herein.

IN TESTIMONY OF WHICH, THIS AGREEMENT has been executed by the City as authorized by the City Council of the City of Lamesa, Texas, on the ____ day of _____, 2020, and by the Owner on the ____ day of _____, 2020.

ATTEST//SEAL:

CITY OF LAMESA, TEXAS

By: _____
Josh Stevens, Mayor

VISTA PARK LAMESA LLC

By: _____
Ronald Smith, Managing Member

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: SEPTEMBER 8, 2020

AGENDA ITEM: 9

SUBJECT: **REQUEST FOR REPLAT**
PROCEEDING: Approval
SUBMITTED BY: City Staff
EXHIBITS: Ordinance, Second Reading
AUTHORITY: City Charter, City Code, Texas Government Code

SUMMARY STATEMENT

City Council to consider approving an Ordinance on Second reading approving a replat the following described property located in Lamesa, Texas:

All of Blocks 7, 8 and 9, of the Forrest Hills Addition to Town of Lamesa, Dawson County, Texas, as per Plat recorded in Volume 3, Page 254, of the Deed Records, of Dawson County, Texas;

COUNCIL ACTION

DISCUSSION _____

Motion by Council Member _____ to consider approving an Ordinance on Second reading approving. a replat for the following property: All of Blocks 7, 8 and 9, of the Forrest Hills Addition to Town of Lamesa, Dawson County, Texas, as per Plat recorded in Volume 3, Page 254, of the Deed Records, of 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

Recommend approval.

ORDINANCE NO. _____

**AN ORDINANCE APPROVING A REPLAT OF BLOCKS 7, 8 AND 9 OF
THE FORREST HILLS ADDITION TO THE TOWN OF LAMESA,
DAWSON COUNTY, TEXAS, UPON RECOMMENDATION OF THE
PLANNING AND ZONING COMMISSION.**

On the 8th day of September, 2020, 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 the consideration and action of the meeting, to wit:

WHEREAS, the Code of Ordinances of the City of Lamesa provides that previously platted areas of the City may be replatted upon application to the Planning and Zoning Commission of the City and approval of the City Council; and

WHEREAS, an application has been made by Vista Park Lamesa, LLC, to replat the following described property located in Lamesa, Texas, to-wit:

All of Blocks 7, 8 and 9, of the Forrest Hills Addition to Town of Lamesa, Dawson County, Texas, as per Plat recorded in Volume 3, Page 254, of the Deed Records, of Dawson County, Texas; and

WHEREAS, said property is located within the city limits of the City of Lamesa, Texas, and is owned by Vista Park Lamesa, LLC; 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, voted to recommend to the City Council of the City of Lamesa, Texas, that the replat of such property be approved; and

WHEREAS, a public hearing, where all interested persons were provided an opportunity to be heard on the proposed zone change, was held at City Hall, 601 South First Street, in the City of Lamesa, Texas, on September 8, 2020, 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 recommendation of the Planning and Zoning Commission of the City of Lamesa, Texas, should be accepted and that the replat of such property be approved.

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

SECTION ONE: That the replat of the following described property, to-wit:

All of Blocks 7, 8 and 9, of the Forrest Hills Addition to Town of Lamesa, Dawson County, Texas, be, and the same is hereby, **APPROVED.**

SECTION TWO: 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 applicable state law and the City Charter.

Upon being put to a vote, the foregoing ordinance was Passed, on First Reading on the _____ day of September, 2020; and

Upon being put to a vote, the foregoing ordinance was Passed, on Second Reading on the _____ day of October, 2020.

ATTEST:

APPROVED:

Betty Conde
City Secretary

Josh Stevens
Mayor

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

General Warranty Deed

Date: December 20, 2019

Grantor: Smith Wealth Real Estate, LLC

Grantor's Mailing Address: 4713 EAGLE Feather DR.
Austin TX 78735

Grantee: Vista Park Lamesa, LLC

Grantee's Mailing Address: 4713 EAGLE Feather DR.
Austin TX 78735

Consideration: TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

Property (including any improvements):

Tract 1: A 8.68 acre tract of land, more or less, located in the South one-half (S/2) of Section 72, Block 35, Township 6-North, Georgetown Ry. Co. Survey, Dawson County, Texas, being out of that certain tract of land described in deed from F.M. Weaver to J.F. Aycock dated May 14, 1924, and recorded in Volume 33, Page 387, Deed Records of Dawson County, Texas, said 8.68 acre tract being more particularly described by metes and bounds in Exhibit "A-1" attached hereto.

TRACT2: All of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20, Block 7 of the Forrest Hills Addition to the Town of Lamesa, Dawson County, Texas, as per Plat recorded in Volume 2, Page 35 of the Plat Records, Dawson County, Texas.

TRACT3: All of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18, Block 8 of the Forrest Hills Addition to the Town of Lamesa, Dawson County, Texas, as per Plat recorded in Volume 2, Page 35 of the Plat Records, Dawson County, Texas.

TRACT4: All of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16, Block 9 of the Forrest Hills Addition to the Town of Lamesa, Dawson County, Texas, as per Plat recorded in Volume 2, Page 35 of the Plat Records, Dawson County, Texas.

TRACT 5: All of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16, Block 10 of the Forrest Hills Addition to the Town of Lamesa, Dawson County, Texas, as per Plat recorded in Volume 2, Page 35 of the Plat Records, Dawson County, Texas.

Reservations from Conveyance: None

Exceptions to Conveyance and Warranty:

Liens, if any, described as part of the Consideration and any other liens described in this deed as being either assumed or subject to which title is taken; validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property; and taxes for the current year, which Grantee assumes and agrees to pay.

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 any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

Smith Wealth Real Estate, LLC,
a Texas limited liability company

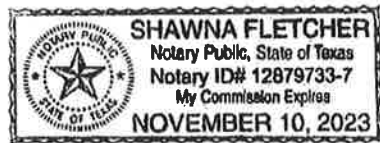
A handwritten signature in cursive script, appearing to read "Ronald D. Smith, Jr.", written over a horizontal line.

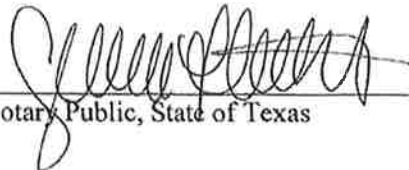
Ronald D. Smith, Jr., President and Chief Executive Officer

STATE OF TEXAS)

COUNTY OF Travis)

This instrument was acknowledged before me on December 20, 2019 by Ronald D. Smith, Jr., as President and Chief Executive Officer, of Smith Wealth Real Estate, LLC, a Texas limited liability company, on behalf of said entity.





Notary Public, State of Texas

Grantee's Address/Return to:
Vista Park Lamesa, LLC
4713 Eagle Feather Drive
Austin, TX 78735

EXHIBIT A-1

An 8.68 acre tract of land, more or less, located in the South one-half (S/2) of Section 72, Block 35, Township 6-North, Georgetown Ry. Co. Survey, Dawson County, Texas, being out of that certain tract of land described in deed from F.M. Weaver to J.F. Aycock dated May 14, 1924, and recorded in Volume 33, Page 387, Deed Records of Dawson County, Texas, said 8.68 acre tract being more particularly described as follows:

BEGINNING at a point in the North line of the old Lamesa and Seminole Highway (now North 7th Street), at the Southeast corner of said Aycock tract, for the Southeast corner of this tract, from which the Southwest corner of that certain tract of land described in deed from F.M. Weaver to A.J. Bush dated December 4, 1923, and recorded in Volume 30, Page 317, Deed Records of Dawson County, Texas, bears N. 77°38'10"E. 40.00 feet, and from which a 1" iron pipe with plug marked "RPS 1690" bears S. 36°40'E. 0.25 feet (bearings compared to the Texas Coordinate System of 1983, North Central Zone, distances are true at an averaged surface elevation);

THENCE S.77°38'10"W. 620.00 feet to a 1" galvanized iron pipe found for the Southwest corner of said Aycock tract, and for the Southwest corner of this tract;

THENCE N.12°35'20"W., along the West line of said Aycock tract, 610.00 feet to a 1" iron pipe found for the Southwest corner of that certain 30.0 feet wide road dedication, as recorded in Volume 176, Page 493, Deed Records of Dawson County, Texas, and for the Northwest corner of this tract;

THENCE N.77°38'10"E. 619.70 feet to a 1" iron pipe found for the Southeast corner of said 30.0 feet wide road dedication, and for the Northeast corner of this tract;

THENCE S.12°36'50"E., along the East line of said Aycock tract, 610.00 feet to the Place of Beginning.

FILED FOR RECORD
CLARE CHRISTY - COUNTY CLERK
DAWSON COUNTY, TEXAS

INST NO:2019-5584

FILED ON: DECEMBER 27, 2019 AT 1:45pm
THE INSTRUMENT CONTAINED 4 PAGES AT FILING
FILED BY: TRODRIGUEZ

THE STATE OF TEXAS
COUNTY OF DAWSON



I, Clare Christy, Clerk County Court in and for said county hereby do certify that the foregoing instrument was filed for record in my office on the 27th day of December 2019 at 1:45 PM and duly recorded on that date, in the Official Public Records of said county.

Instrument # 2019-5584 , 4 Pages

A handwritten signature in cursive script, appearing to read "Clare Christy". The signature is written in dark ink and is positioned above the printed name of the clerk.

Clare Christy County Clerk

● = 3/4" GALVANIZED IRON PIPE FOUND ON THIS SURVEY

GENERAL NOTES

1. This property may be encumbered with any rights-of-way and easements not indicated herein.
2. All bearings compared to the Texas Coordinate System of 1983, North Central Zone. All distances are true at an averaged surface elevation.
3. Call 1-800-DIG-TESS before excavating, digging, or placing any structures thereon.

To: Smith Wealth Real Estate, LLC

I hereby certify that this plat correctly shows the results of an actual survey made upon the ground.

This the 22nd day of March, 2019.

J.N. NEWTON, PROFESSIONAL LAND SURVEYOR NO. 1690
JOHN KLASSEN, PROFESSIONAL LAND SURVEYOR NO. 6605

NOTE: If this plat does not bear the original signature in light blue pencil and embossed seal this plat is an unauthorized copy and is in violation of the copyright.

© copyright 2019 J.N. Newton & Associates, Inc.

Plat showing boundary survey of Blocks 7, 8, 9 and 10, Forrest Hills Addition to the town of Lamesa, Dawson County, Texas, as per plat recorded in Volume 2, Page 35, Plat Records, Dawson County, Texas.

J. N. NEWTON & ASSOCIATES, INC.

TBRS FIRM # 10052000
Land Surveying and Mapping
215 SW 2nd Street
Seminole, Texas 79360

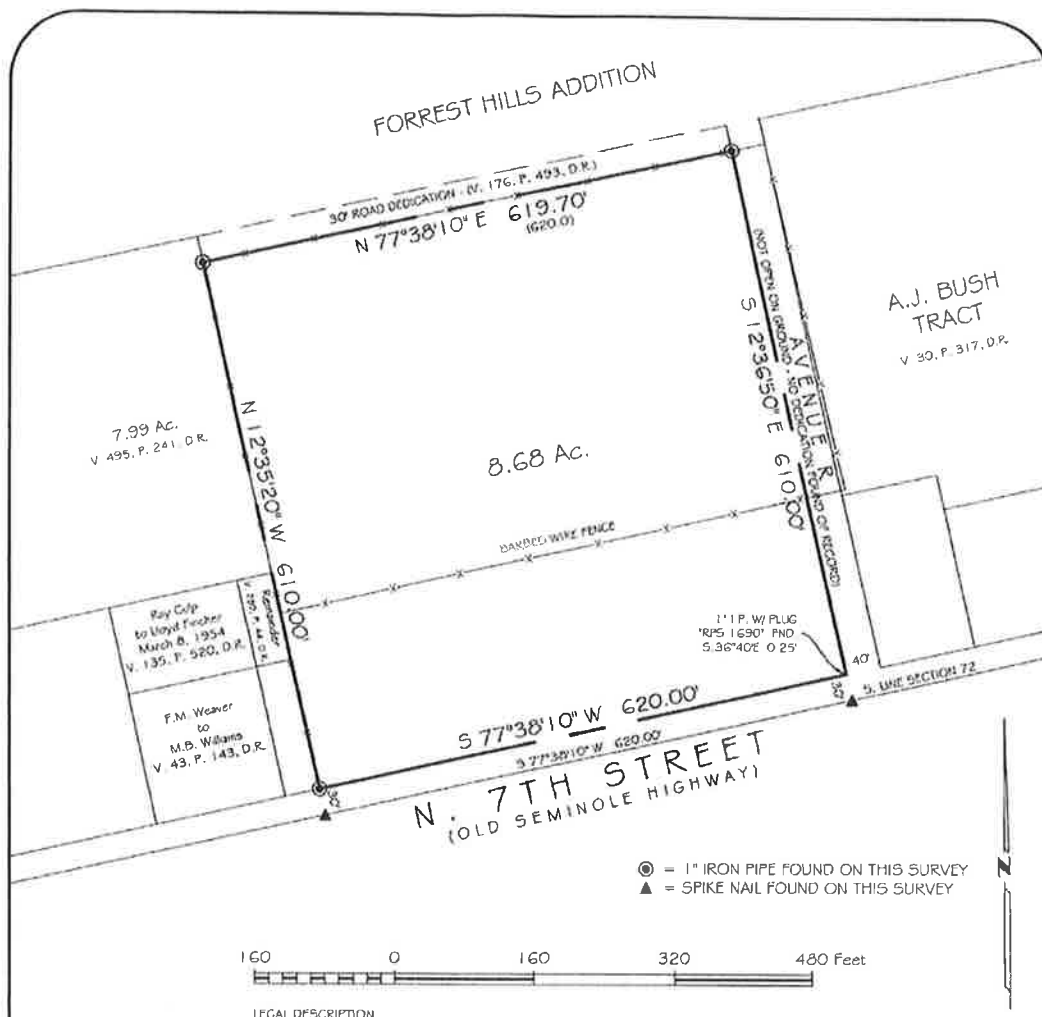
800-284-2607 or 432-758-2015 FAX 432-758-9090

Date of Survey: January 27, 2017

Drawn By: N.O.G.

Job No. 19992





A 8.68 acre tract of land located in the One-half (1/2) of Section Seventy-two (72), Block Thirty-five (35), T-6-N, Abstract No. 395, Georgetown Ry. Co. Survey, Dawson County, Texas, being out of that certain tract of land described in deed from F.M. Weaver to J.F. Aycock dated May 14, 1924, and recorded in Volume 33, Page 367, Deed Records of Dawson County, Texas, said 8.68 acre tract being more particularly described as follows:

BEGINNING at a point in the North line of the old Lamesa and Seminole Highway (now North 7th Street), at the Southeast corner of said Aycock tract, for the Southeast corner of this tract, from which the Southwest corner of that certain tract of land described in deed from F.M. Weaver to A.J. Bush dated December 4, 1923, and recorded in Volume 30, Page 317, Deed Records of Dawson County, Texas, bears N 77°38'10"E, 40.00 feet, and from which a 1" iron pipe with plug marked "RFS 1690" bears S 36°40'E, 0.25 feet (bearings compared to the Texas Coordinate System of 1983, North Central Zone, distances are true at an averaged surface elevation);

THENCE S 77°38'10"W, 620.00 feet to a 1" galvanized iron pipe found for the Southwest corner of said Aycock tract, and for the Southwest corner of this tract;

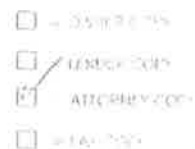
THENCE N 12°35'20"W, along the West line of said Aycock tract, 610.00 feet to a 1" iron pipe found for the Southwest corner of that certain 30.0 feet wide road dedication, as recorded in Volume 176, Page 493, Deed Records of Dawson County, Texas, and for the Northwest corner of this tract;

THENCE N 77°38'10"E, 619.70 feet to a 1" iron pipe found for the Southeast corner of said 30.0 feet wide road dedication, and for the Northeast corner of this tract;

THENCE S 12°36'50"E, along the East line of said Aycock tract, 610.00 feet to the PLACE OF BEGINNING.

GENERAL NOTES:

1. This property may be encumbered with any rights-of-way and easements not indicated hereon.
2. All bearings compared to the Texas Coordinate System of 1983, North Central Zone. All distances are true at an averaged surface elevation.
3. Call 1-800-DIG-TESS before excavating, digging, or placing any structures hereon.



© copyright 2016 J.N. Newton & Associates, Inc.

To: Lyndell and Sharron Brooks

I hereby certify that this plat correctly shows the results of an actual survey made upon the ground.

This the 19th day of December, 2016.

J.N. NEWTON, PROFESSIONAL LAND SURVEYOR NO. 1690
JOHN KLASSEN, PROFESSIONAL LAND SURVEYOR NO. 6605

NOTE: If this plat does not bear the original signature in light blue and embossed seal this plat is an unauthorized copy and is in violation of the copyright.

Plat showing boundary survey of an 8.68 acre tract of land out of the South One-half (1/2) of Section Seventy-two (72), Block Thirty-five (35), T-6-N, Certificate No. 60, Abstract No. 395, Georgetown Ry. Co. Survey, Dawson County, Texas.

J. N. NEWTON & ASSOCIATES, INC.

TBPLS FIRM # 10052000

Land Surveying and Mapping

215 SW 2nd Street

Seminole, Texas 79360

800-284-2607 or 432-758-2015 FAX 432-758-9090

Date of Survey: July 27, 2016

Drawn By: N.O.G.

Job No. 19777

ON BLOCKS 7, 8, 9 AND 10, FORREST HILLS ADDITION TO THE TOWN OF LAMESA, DAWSON COUNTY, TEXAS, AS PER PLAT RECORDED IN VOLUME 2, PAGE 35, PLAT RECORDS, DAWSON COUNTY, TEXAS, AND ON A 8.68 ACRE TRACT OF LAND IN THE SOUTH HALF OF SECTION 72, BLOCK 35, T-6-N, ABSTRACT NO. 395, GEORGETOWN RY. CO. SURVEY, DAWSON COUNTY, TEXAS

[illegible]

1997-1998



DELTA LAND SURVEYING, LLC
TRPLS # 1910408
3001 KNOX STREET, STE. J
LAWRENCE, KS 66044
913-741-4500
www.deltalandsurveying.com

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: SEPTEMBER 8, 2020

AGENDA ITEM: 10

SUBJECT: PUBLIC HEARING ON REQUEST FOR ZONE CHANGE
PROCEEDING: Public Hearing
SUBMITTED BY: City Staff
EXHIBITS:
AUTHORITY: City Charter, City Code, Texas Government Code

SUMMARY STATEMENT

Public hearing regarding a specific use permit for the following property:

CASE NO. P&Z 20-4: To consider the petition of PAUL HERNANDEZ, 712 N. 2ND STREET to change the zone of the following property:

Tract One: A tract of land being the South One-half (S/2) of Lots 10, 11 and 12, Block 1, of the Original Town of Lamesa, Dawson County, Texas, as per Plat recorded in Volume 3, Page 254, of the Deed Records, in Dawson County, Texas, and that portion of North 3rd Street lying between Lots 10, 11 and 12, Block 1, and Lots 1, 2 and 3, Block 14, of the Original Town of Lamesa, Dawson County, Texas; and

Tract Two: A tract of land being all of Lots 1, 2, 3, 10, 11 and 12, Block 14, of the Original Town of Lamesa, Dawson County, Texas, as per Plat recorded in Volume 3, Page 254, of the Deed Records of Dawson County, Texas, and that portion of the alley between Lots 1, 2 and 3, Block 14, and Lots 10, 11 and 12, Block 14, of the Original Town of Lamesa, Dawson County, Texas;

located at N. 4TH & AKRON, LAMESA, TEXAS 79331 from zoning District R-1 to zoning District I-2 for A MECHANIC/TRUCK SHOP FOR HIS BUSINESS. *(Building Official)*

PUBLIC HEARING

The Mayor will ask if anyone wishes to speak. regarding the following property.

The following persons spoke:

_____	_____
_____	_____
_____	_____

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



CITY OF LAMESA

601 SOUTH 1ST STREET LAMESA, TEXAS 79331 TEL. 806-872-2124 FAX 806-872-4338

CITY OF LAMESA, TEXAS CITY COUNCIL PUBLIC HEARING NOTICE TO PROPERTY OWNERS

NOTICE is hereby given to all interested persons that the City Council of the City of Lamesa, Texas will hold a public hearing on SEPTEMBER 8, 2020, at 5:30 P.M. in the City Hall, 601 South First Street, Lamesa, Texas.

AT WHICH TIME the City Council will consider a change in zoning district for the following described property, such property being within 200 feet of property listed by the tax office as belonging to you:

TRACT ONE: A TRACT OF LAND BEING THE SOUTH ONE-HALF (S/2) OF LOTS 10, 11 AND 12, BLOCK 1, OF THE ORIGINAL TOWN OF LAMESA, DAWSON COUNTY, TEXAS, AS PER PLAT RECORDED IN VOLUME 3, PAGE 254, OF THE DEED RECORDS, IN DAWSON COUNTY, TEXAS, AND THAT PORTION OF N 3rd STREET LYING BETWEEN LOTS 10, 11 AND 12, BLOCK 1, AND LOTS 1, 2 AND 3, BLOCK 14, OR THE ORIGINAL TOWN OF LAMESA, DAWSON COUNTY, TEXAS; AND

TRACT TWO: A TRACT OF LAND BEING ALL OF LOTS 1, 2, 3, 10, 11 AND 12, BLOCK 14, OF THE ORIGINAL TOWN OF LAMESA, DAWSON COUNTY, TEXAS, AS PER PLAT RECORDED IN VOLUME 3, PAGE 254, OF THE DEED RECORDS OF DAWSON COUNTY, TEXAS, AND THAT PORTION OF THE ALLEY BETWEEN LOTS 1, 2 AND 3, BLOCK 14, AND LOTS 10, 11 AND 12, BLOCK 14, OF THE ORIGINAL TOWN OF LAMESA, DAWSON COUNTY, TEXAS; in the City of Lamesa, Dawson County, Texas

That PAUL HERNANDEZ, 712 N. 2ND STREET requested that the zoning district of the property described above, located at N. 4TH & AKRON, be changed from R-1 to I-2 for A MECHANIC/TRUCK SHOP FOR HIS BUSINESSES.

FOR THE CITY OF LAMESA

APPLICATION FOR ZONE CHANGE

Date: Feb 6, 2020

CASE NO. P12 20-47

City Planning & Zoning Commission
Michael Lopez, City of Lamesa Building Official
601 South First Street
Lamesa, Texas 79331

Council Members:

You are respectfully requested to recommend to the City Council of the City of Lamesa that the hereinafter described tracts of land be changed by ordinance from the existing zoning district to zoning districts indicated as follows:

W-12
Lot 13, Block 14 Addition Oakland Pl
Address N 2nd / Akron
From R-1 District to I-2 District

Present use of property: vacant lots

Desired use to be made of property: to build a mechanic/trucking shop
for his businesses

Are there deed restrictions pertaining to intended use of property?

 Yes

No ✓

Paul Hernandez
Signature

712 N 2nd St
Address

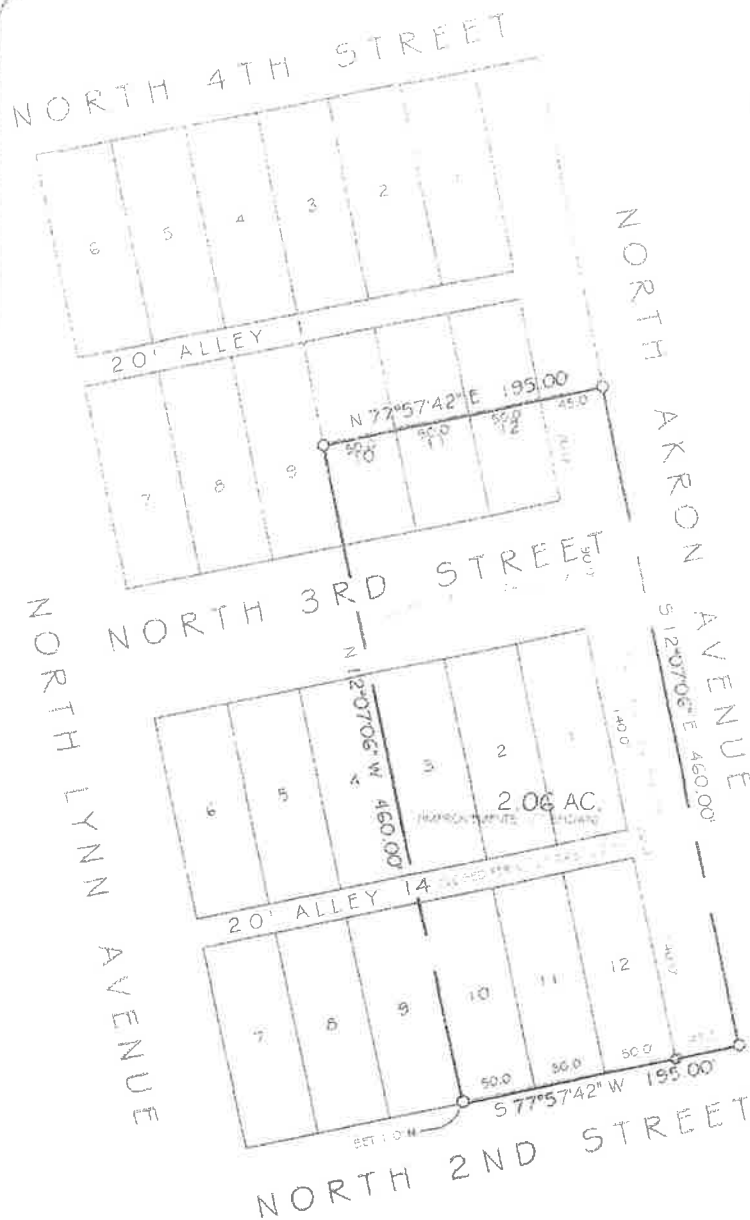
Lamesa TX 79331
City, State Zip

806-201-1746
Telephone Number

Date received: 2/6/2020 By Paul Rodriguez

Note: A fee of \$50.00, to publish and mail all notices, is filed with this application. Your meeting will be held on March 22, 2019.20

Effective August 1, 2014 a legal deed for the property listed above must accompany this application.



- ⊙ = 1/2" IRON ROD WITH CAP MARKED "NEWTON SURVEYING" FOUND ON THIS SURVEY
- = 1/2" IRON ROD WITH CAP MARKED "NEWTON SURVEYING" SET ON THIS SURVEY

© copyright 2018 J. N. Newton & Associates, Inc.

To: Paul Hernandez

I hereby certify that this plat correctly shows the results of an actual survey made upon the ground.

This the 17th day of December, 2018.

J. N. NEWTON, PROFESSIONAL LAND SURVEYOR NO. 1690
JOHN KLASSEN, PROFESSIONAL LAND SURVEYOR NO. 6605

NOTE: if this plat does not bear the original signature in light blue and embossed seal this plat is an unauthorized copy and is in violation of the copyright.

Plat showing survey of the S/2 of Lots 10-12, Block 14, Lots 1-3 and 10-12, Block 14, Original Town of Lamesa, Dawson County, Texas, as per plat recorded in Volume 3, Page 254, Deed Records, Dawson County, Texas, and the adjacent Streets and Alleys closed by Ordinance recorded in Volume 1, Page 248, Commissioners' Court Minutes, Dawson County, Texas.

J. N. NEWTON & ASSOCIATES, INC.

TBPLS FIRM # 10052000

Land Surveying and Mapping

215 SW 2nd Street

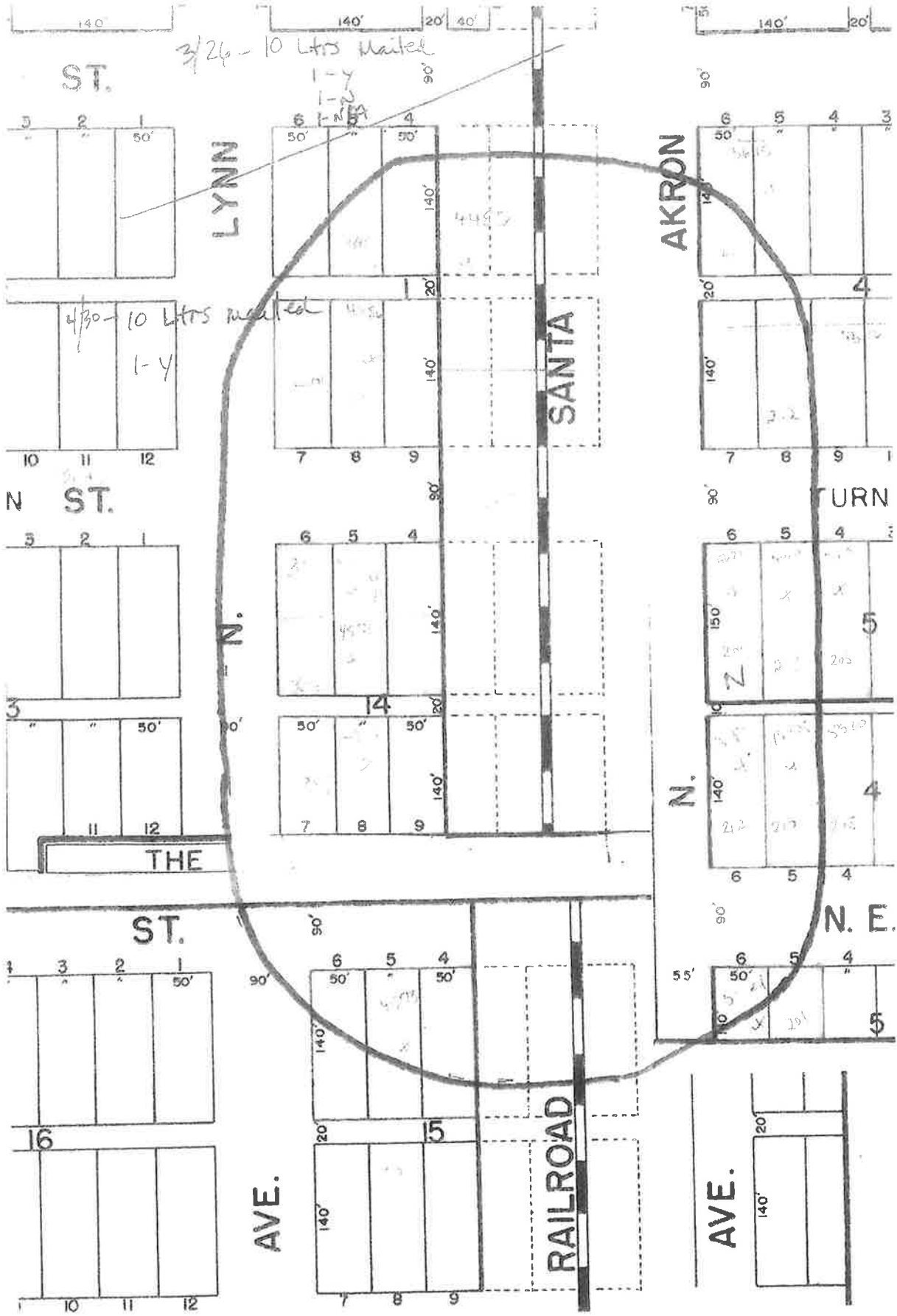
Lamesa, Texas 79360

800-284-2607 or 432-756-2015 FAX 432-706-9090

Date of Survey: September 25, 2018

Drawn By: T.E.D.

Job No. 20907



Planning & Zoning Commission Minutes
City of Lamesa, Texas

DATE OF MEETING: MAY 28, 2020

AGENDA ITEM: 3

SUBJECT: P&Z 20-4: PAUL HERNANDEZ
PROCEEDING: Approval or Denial
SUBMITTED BY: City Staff

SUMMARY STATEMENT

To consider the petition of **PAUL HERNANDEZ, 712 N. 2ND STREET**, requested that the zoning district of the property described above,

TRACT ONE: A TRACT OF LAND BEING THE SOUTH ONE-HALF (S/2) OF LOTS 10, 11 AND 12, BLOCK 1, OF THE ORIGINAL TOWN OF LAMESA, DAWSON COUNTY, TEXAS, AS PER PLAT RECORDED IN VOLUME 3, PAGE 254, OF THE DEED RECORDS, IN DAWSON COUNTY, TEXAS, AND THAT PORTION OF N 3rd STREET LYING BETWEEN LOTS 10, 11 AND 12, BLOCK 1, AND LOTS 1, 2 AND 3, BLOCK 14, OR THE ORIGINAL TOWN OF LAMESA, DAWSON COUNTY, TEXAS; AND

TRACT TWO: A TRACT OF LAND BEING ALL OF LOTS 1, 2, 3, 10, 11 AND 12, BLOCK 14, OF THE ORIGINAL TOWN OF LAMESA, DAWSON COUNTY, TEXAS, AS PER PLAT RECORDED IN VOLUME 3, PAGE 254, OF THE DEED RECORDS OF DAWSON COUNTY, TEXAS, AND THAT PORTION OF THE ALLEY BETWEEN LOTS 1, 2 AND 3, BLOCK 14, AND LOTS 10, 11 AND 12, BLOCK 14, OF THE ORIGINAL TOWN OF LAMESA, DAWSON COUNTY, TEXAS;

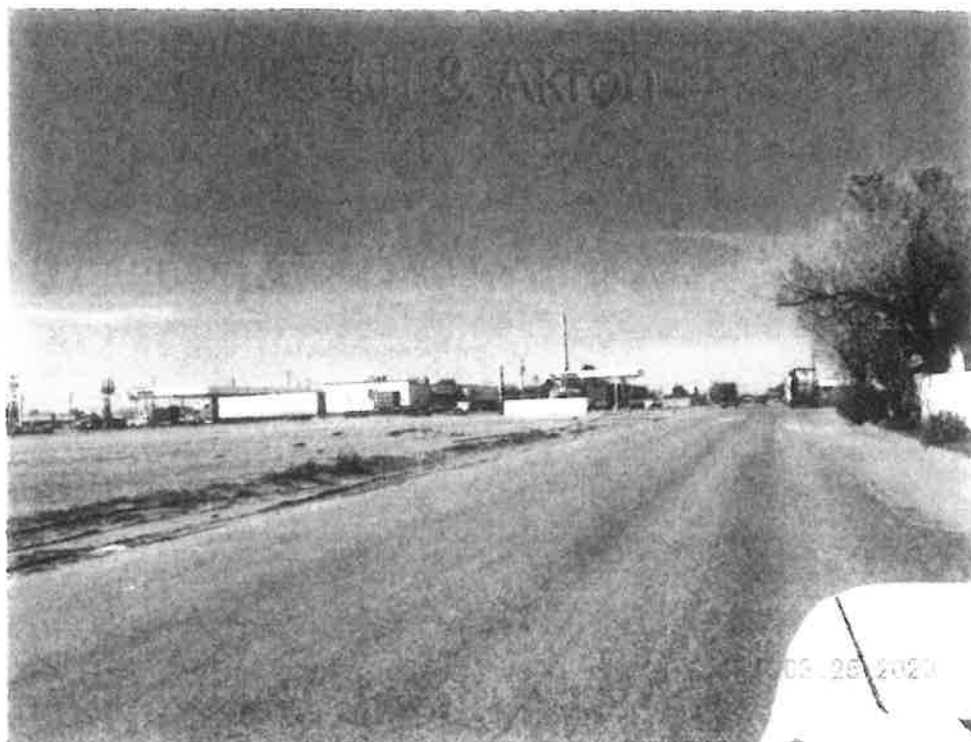
located at **4TH & AKRON, LAMESA TEXAS**. APPLICANT IS REQUESTING A ZONE CHANGE from zoning district R-1 to zoning district I-2 for BUILDING A MECHANIC/TRUCK SHOP FOR HIS BUSINESSES.

PLANNING AND ZONING COMMISSION ACTION

Discussion: March 26, 10 letters were mailed, 1 returned in favor of, 1 opposed. On April 30 10 letters were mailed with 1 returned in favor of. Having to change the zoning due to east of the Railroad tracks is zoned R-1, residential, applicant needs all land zoned I-2. Mr Hernandez is wanting to set up a mechanic shop and space to park his work trucks.

Motion by Planning and Zoning Commissioner Kim Bairrington to approve Item 3. Motion seconded by Planning and Zoning Commissioner Samuel Adams and upon being put to a vote the motion passed.

VOTING: "AYE" 4 "NAY" 0 "ABSTAIN" 0







CITY OF LAMESA

601 SOUTH 1ST STREET LAMESA, TEXAS 79331 TEL. 806-872-2124 FAX 806-872-4338

NOTICE PUBLIC HEARING CITY COUNCIL OF THE CITY OF LAMESA, TEXAS

NOTICE is hereby given to all interested persons that the City Council of the City of Lamesa, Texas will hold a public hearing on JUNE 16, 2020 at 5:30 P.M. in the City Hall, 601 South First Street, Lamesa, Texas.

AT WHICH TIME AND PLACE all interested persons will be given an opportunity to be heard after which hearing the City Council will make a determination in the following cases:

CASE NUMBER PZ: 20-4: To consider the petition of PAUL HERNANDEZ, 712 N. 2ND STREET to change the zone of the following property:

TRACT ONE: A TRACT OF LAND BEING THE SOUTH ONE-HALF (S/2) OF LOTS 10, 11 AND 12, BLOCK 1, OF THE ORIGINAL TOWN OF LAMESA, DAWSON COUNTY, TEXAS, AS PER PLAT RECORDED IN VOLUME 3, PAGE 254, OF THE DEED RECORDS, IN DAWSON COUNTY, TEXAS, AND THAT PORTION OF N 3rd STREET LYING BETWEEN LOTS 10, 11 AND 12, BLOCK 1, AND LOTS 1, 2 AND 3, BLOCK 14, OR THE ORIGINAL TOWN OF LAMESA, DAWSON COUNTY, TEXAS; AND **TRACT TWO:** A TRACT OF LAND BEING ALL OF LOTS 1, 2, 3, 10, 11 AND 12, BLOCK 14, OF THE ORIGINAL TOWN OF LAMESA, DAWSON COUNTY, TEXAS, AS PER PLAT RECORDED IN VOLUME 3, PAGE 254, OF THE DEED RECORDS OF DAWSON COUNTY, TEXAS, AND THAT PORTION OF THE ALLEY BETWEEN LOTS 1, 2 AND 3, BLOCK 14, AND LOTS 10, 11 AND 12, BLOCK 14, OF THE ORIGINAL TOWN OF LAMESA, DAWSON COUNTY, TEXAS;

located at N. 4TH & AKRON from zoning district R-1 to zoning district I-2 for A MECHANIC/TRUCK SHOP FOR HIS BUSINESSES.

FOR THE CITY OF LAMESA

APPLICATION FOR ZONE CHANGE

Date: Feb. 6, 2020

CASE NO. P2 20-4

City Planning & Zoning Commission
Michael Lopez, City of Lamesa Building Official
601 South First Street
Lamesa, Texas 79331

Council Members:

You are respectfully requested to recommend to the City Council of the City of Lamesa that the hereinafter described tracts of land be changed by ordinance from the existing zoning district to zoning districts indicated as follows:

¹⁰⁻¹²
Lot 1-3, Block 14 Addition Oakland Pl
Address N. 2nd / Akron
From R-1 District to I-2 District

Present use of property: vacant lots

Desired use to be made of property: to build a mechanic/trucking shop
for his businesses

Are there deed restrictions pertaining to intended use of property?

 Yes

No ✓

Paul Hernandez
Signature

712 N 2nd St
Address

Lamesa tx 79331
City, State Zip

806-201-1746
Telephone Number

Date received: 2/6/2020 By Ana Rodriguez

Note: A fee of \$50.00, to publish and mail all notices, is filed with this application. Your meeting will be held on March 26, 2019.20

Effective August 1, 2014 a legal deed for the property listed above must accompany this application.

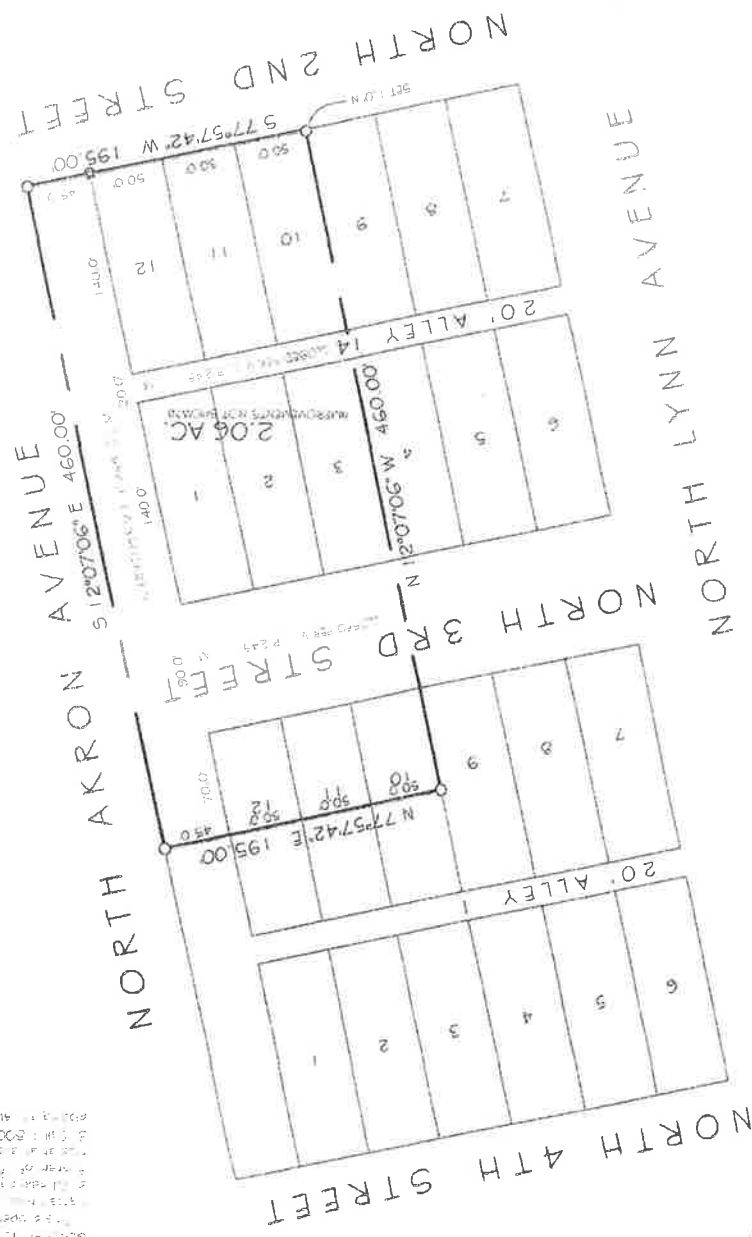
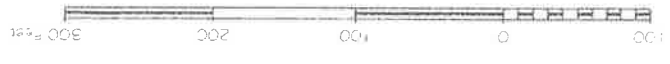
J. N. NEWTON & ASSOCIATES, INC.
 Surveyors
 1000 North Loop West
 Suite 1000
 Houston, Texas 77007
 Phone: 713-261-1111
 Fax: 713-261-1112
 E-mail: jnnewton@aol.com

Plat showing survey of the S/2 of Lots 10, 12, Block 1, Lots 1-3 and 10-12, Block 14, Original Town of Lamesa, Dawson County, Texas, as per plat recorded in Volume 3, Page 254, Deed Records, Dawson County, Texas, and the adjacent Streets and Alleys closed by Ordinance recorded in Volume 1, Page 248, Commissioners' Court Minutes, Dawson County, Texas.

J. N. NEWTON, PROFESSIONAL LAND SURVEYOR NO. 1690
 JOHN KLASSEN, PROFESSIONAL LAND SURVEYOR NO. 6605
 Witnessed and the plat does not bear the original signature of the surveyor and is a violation of the Surveying Act.
 Date of Survey: September 25, 2015
 Drawn By: T.E.D.
 Job No. 20907

I hereby certify that this plat correctly shows the results of an actual survey made upon the ground.
 This the 17th day of December, 2015.
 To: Paul Hernandez

- 1/2" IRON ROD WITH CAP MARKED "NEWTON"
- 1/2" IRON ROD WITH CAP MARKED "NEWTON"
- SURVEYING SET ON THIS SURVEY



GENERAL NOTES:
 1. The plat is a true and correct copy of the original survey.
 2. The plat is a true and correct copy of the original survey.
 3. The plat is a true and correct copy of the original survey.
 4. The plat is a true and correct copy of the original survey.
 5. The plat is a true and correct copy of the original survey.
 6. The plat is a true and correct copy of the original survey.
 7. The plat is a true and correct copy of the original survey.
 8. The plat is a true and correct copy of the original survey.
 9. The plat is a true and correct copy of the original survey.
 10. The plat is a true and correct copy of the original survey.

N. E.

Planning & Zoning Commission Minutes

City of Lamesa, Texas

DATE OF MEETING: MAY 28, 2020

AGENDA ITEM: 3

SUBJECT: P&Z 20-4: PAUL HERNANDEZ
PROCEEDING: Approval or Denial
SUBMITTED BY: City Staff

SUMMARY STATEMENT

To consider the petition of **PAUL HERNANDEZ, 712 N. 2ND STREET**, requested that the zoning district of the property described above,

TRACT ONE: A TRACT OF LAND BEING THE SOUTH ONE-HALF (S/2) OF LOTS 10, 11 AND 12, BLOCK 1, OF THE ORIGINAL TOWN OF LAMESA, DAWSON COUNTY, TEXAS, AS PER PLAT RECORDED IN VOLUME 3, PAGE 254, OF THE DEED RECORDS, IN DAWSON COUNTY, TEXAS, AND THAT PORTION OF N 3RD STREET LYING BETWEEN LOTS 10, 11 AND 12, BLOCK 1, AND LOTS 1, 2 AND 3, BLOCK 14, OR THE ORIGINAL TOWN OF LAMESA, DAWSON COUNTY, TEXAS; AND

TRACT TWO: A TRACT OF LAND BEING ALL OF LOTS 1, 2, 3, 10, 11 AND 12, BLOCK 14, OF THE ORIGINAL TOWN OF LAMESA, DAWSON COUNTY, TEXAS, AS PER PLAT RECORDED IN VOLUME 3, PAGE 254, OF THE DEED RECORDS OF DAWSON COUNTY, TEXAS, AND THAT PORTION OF THE ALLEY BETWEEN LOTS 1, 2 AND 3, BLOCK 14, AND LOTS 10, 11 AND 12, BLOCK 14, OF THE ORIGINAL TOWN OF LAMESA, DAWSON COUNTY, TEXAS;

located at **4TH & AKRON, LAMESA TEXAS**. APPLICANT IS REQUESTING A ZONE CHANGE from zoning district R-1 to zoning district I-2 for BUILDING A MECHANIC/TRUCK SHOP FOR HIS BUSINESSES.

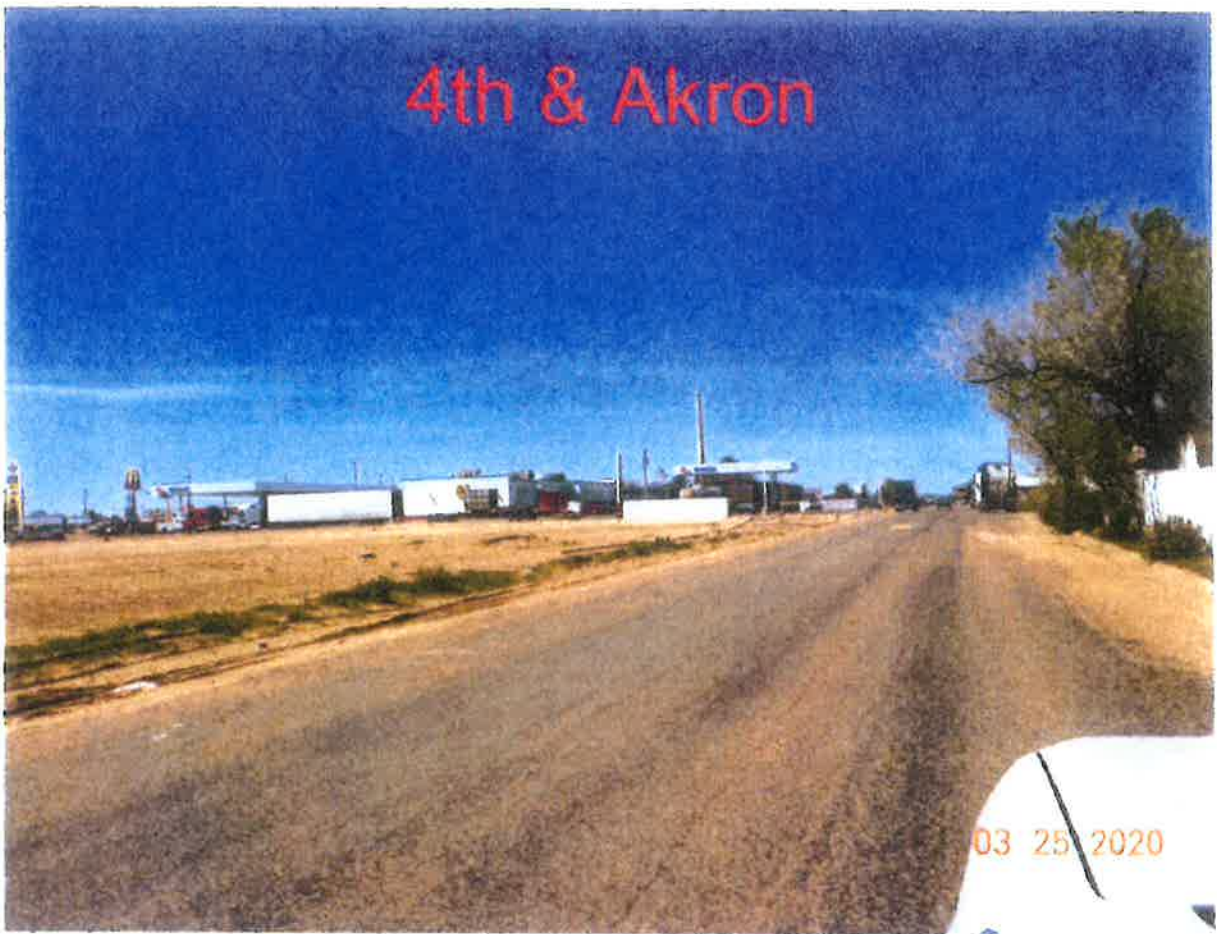
PLANNING AND ZONING COMMISSION ACTION

Discussion: March 26, 10 letters were mailed, 1 returned in favor of, 1 opposed. On April 30 10 letters were mailed with 1 returned in favor of. Having to change the zoning due to east of the Railroad tracks is zoned R-1, residential, applicant needs all land zoned I-2. Mr Hernandez is wanting to set up a mechanic shop and space to park his work trucks.

Motion by Planning and Zoning Commissioner Kim Bairrington to approve Item 3. Motion seconded by Planning and Zoning Commissioner Samuel Adams and upon being put to a vote the motion passed.

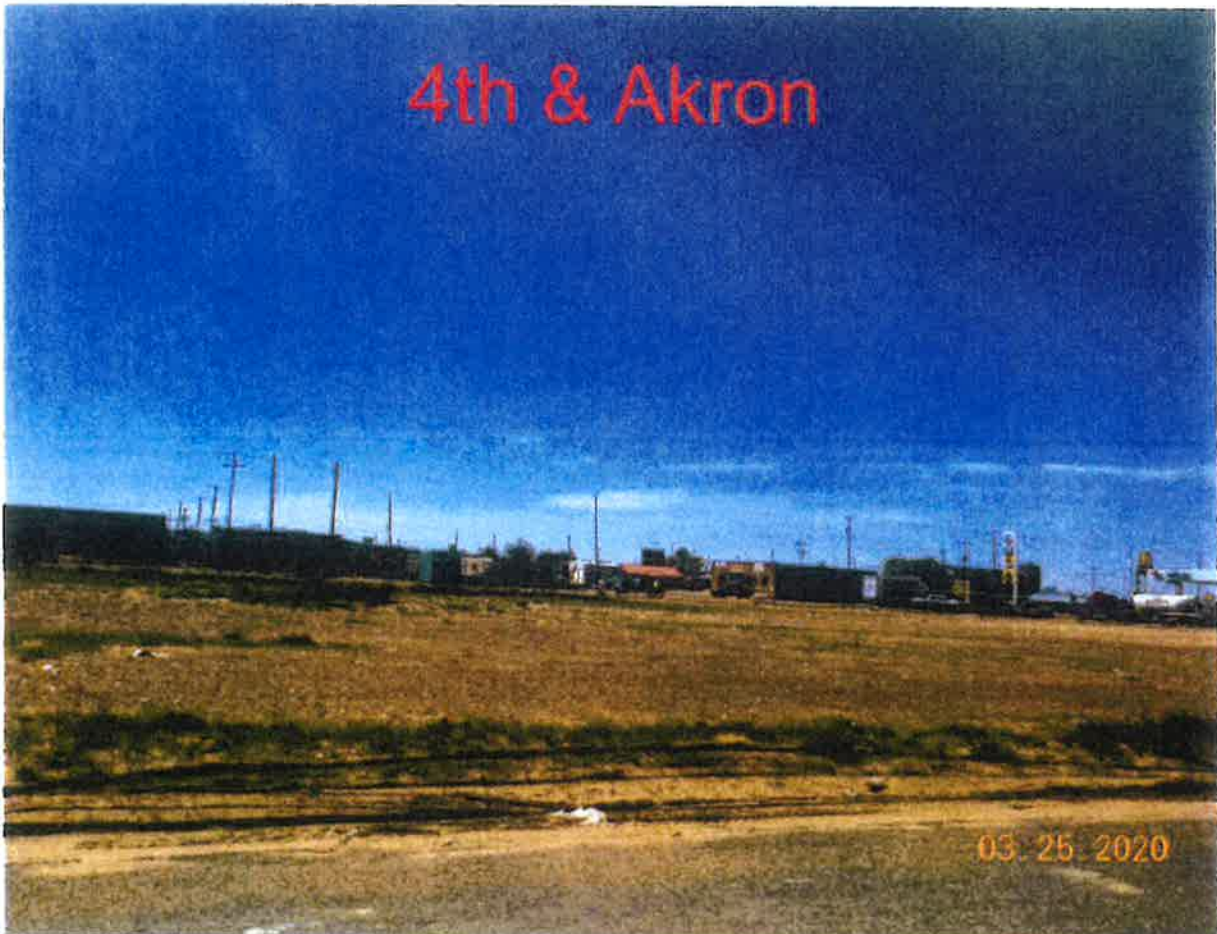
VOTING: "AYE" 4 "NAY" 0 "ABSTAIN" 0

4th & Akron



03 25 2020

4th & Akron



03 25 2020



City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: SEPTEMBER 8, 2020

AGENDA ITEM: 11

SUBJECT: REQUEST FOR ZONE CHANGE
PROCEEDING: Approval
SUBMITTED BY: City Staff
EXHIBITS: Ordinance, First Reading
AUTHORITY: City Charter, City Code, Texas Government Code

SUMMARY STATEMENT

City Council to consider approving an Ordinance on First reading approving zone change for the following property:

CASE NO. P&Z 20-4: To consider the petition of, PAUL HERNANDEZ, 712 N. 2ND STREET to change the zone of the following property:

Tract One: A tract of land being the South One-half (S/2) of Lots 10, 11 and 12, Block 1, of the Original Town of Lamesa, Dawson County, Texas, as per Plat recorded in Volume 3, Page 254, of the Deed Records, in Dawson County, Texas, and that portion of North 3rd Street lying between Lots 10, 11 and 12, Block 1, and Lots 1, 2 and 3, Block 14, of the Original Town of Lamesa, Dawson County, Texas; and

Tract Two: A tract of land being all of Lots 1, 2, 3, 10, 11 and 12, Block 14, of the Original Town of Lamesa, Dawson County, Texas, as per Plat recorded in Volume 3, Page 254, of the Deed Records of Dawson County, Texas, and that portion of the alley between Lots 1, 2 and 3, Block 14, and Lots 10, 11 and 12, Block 14, of the Original Town of Lamesa, Dawson County, Texas;

located at N. 4TH & AKRON, LAMESA, TEXAS 79331 from zoning District R-1 to zoning District I-2 for A MECHANIC/TRUCK SHOP FOR HIS BUSINESS. *(Building Official)*

COUNCIL ACTION

DISCUSSION _____

Motion by Council Member _____ to consider approving an Ordinance on First reading approving zone change for the following property located at 4th & Akron. 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 A ZONE CHANGE FOR PORTIONS OF BLOCKS 1 AND 14 OF THE ORIGINAL TOWN OF LAMESA, DAWSON COUNTY, TEXAS, AND THE PORTIONS OF THE STREETS AND ALLEYS ADJACENT THERETO, FROM DISTRICT R-1 TO DISTRICT I-2 UPON RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION.

On the 8th day of September, 2020, 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 the consideration and action of the meeting, to wit:

WHEREAS, the Code of Ordinances of the City of Lamesa provides that the zoning districts of the City may be changed upon application and upon recommendation of the Planning and Zoning Commission of the City; and

WHEREAS, an application has been made to change the zoning of the following described property located in Lamesa, Texas, from a District R-1 to a District I-2, to-wit:

Tract One: A tract of land being the South One-half (S/2) of Lots 10, 11 and 12, Block 1, of the Original Town of Lamesa, Dawson County, Texas, as per Plat recorded in Volume 3, Page 254, of the Deed Records, in Dawson County, Texas, and that portion of North 3rd Street lying between Lots 10, 11 and 12, Block 1, and Lots 1, 2 and 3, Block 14, of the Original Town of Lamesa, Dawson County, Texas; and

Tract Two: A tract of land being all of Lots 1, 2, 3, 10, 11 and 12, Block 14, of the Original Town of Lamesa, Dawson County, Texas, as per Plat recorded in Volume 3, Page 254, of the Deed Records of Dawson County, Texas, and that portion of the alley between Lots 1, 2 and 3, Block 14, and Lots 10, 11 and 12, Block 14, of the Original Town of Lamesa, Dawson County, Texas;

WHEREAS, said property is located within the city limits of the City of Lamesa, Texas, and is within a district zoned as R-1 (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 change in the zoning of such property be granted; and

WHEREAS, a public hearing, where all interested persons were provided an opportunity to be heard on the proposed zone change, was held at City Hall, 601 South First Street, in the City of Lamesa, Texas, on September 8, 2020, 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 recommendation of the Planning and Zoning Commission of the City of Lamesa, Texas, should be accepted and such zone change granted.

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

SECTION ONE: That the request to change the zoning of the following described property located at N. 2nd Street & AKRON Avenue, Lamesa, Texas, from a District R-1 to a District I-2, to-wit:

Tract One: A tract of land being the South One-half (S/2) of Lots 10, 11 and 12, Block 1, of the Original Town of Lamesa, Dawson County, Texas, as per Plat recorded in Volume 3, Page 254, of the Deed Records, in Dawson County, Texas, and that portion of North 3rd Street lying between Lots 10, 11 and 12, Block 1, and Lots 1, 2 and 3, Block 14, of the Original Town of Lamesa, Dawson County, Texas; and

Tract Two: A tract of land being all of Lots 1, 2, 3, 10, 11 and 12, Block 14, of the Original Town of Lamesa, Dawson County, Texas, as per Plat recorded in Volume 3, Page 254, of the Deed Records of Dawson County, Texas, and that portion of the alley between Lots 1, 2 and 3, Block 14, and Lots 10, 11 and 12, Block 14, of the Original Town of Lamesa, Dawson County, Texas;

be, and the same is hereby, **Granted**.

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

SECTION THREE: 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 applicable state law and the City Charter.

Upon being put to a vote, the foregoing ordinance was Passed, on First Reading on the 8th day of September, 2020; and

Upon being put to a vote, the foregoing ordinance was Passed, on Second Reading on the 20th day of October, 2020.

ATTEST:

APPROVED:

Betty Conde
City Secretary

Josh Stevens
Mayor

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: SEPTEMBER 8, 2020

AGENDA ITEM: 12

SUBJECT: PUBLIC HEARING - NUISANCE PROPERTY REMOVAL OR DEMOLITION

PROCEEDING: Action Item

SUBMITTED BY: City Staff

EXHIBITS: Contract with Texas Communities Group, LLC (City as recipient of services)

SUMMARY STATEMENT

Public hearing to determine whether buildings located at the following location:

LEGAL DESCRIPTION: WEST THIRTY FEET (W/30') OF LOT TWO (2) AND ALL OF LOT THREE (3), IN BLOCK SIXTEEN (16), OF THE LEE ADDITION, TO THE CITY OF LAMESA, DAWSON COUNTY, TEXAS

SITUS: 705 S 6TH, LAMESA, TX 79331
PARCEL ID: R3284

are vacant and dangerous and constitute a public nuisance within the terms of the Substandard Building Ordinance of the City of Lamesa; and if such buildings are found to be so dilapidated, damaged or decayed as to be beyond repair, to consider passing resolution ordering the demolition of said buildings.

The following persons spoke:

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

CITY MANAGER'S MEMORANDUM

This property was found to have a dilapidated structure which constitutes a public nuisance within the terms of the Substandard Building Ordinance of the City of Lamesa and ordering the removal or demolition of such Substandard Structure.

CITY OF LAMESA

601 S. 1st Street
Lamesa, TX 79331
806.872.2124



samantha@texascg.com

806.839.2633

August 20, 2020

Debbie Garza
4119 Amistad Dr
Midland Tx 79707

RE: Notice of Hearing

This notice is to inform you that the following property was found to be in violation of the city's substandard structure ordinance outlined in the Local Government Code, Title 7, Subtitle A, Chapter 214, for dangerous structures.

LEGAL DESCRIPTION: West Thirty Feet (W/30') of Lot two (2) and All of Lot Three (3), in Block Sixteen (16) of the Lee addition to the city of Lamesa, Dawson County, Texas

SITUS: 705 S 6th St, Lamesa, TX 79331

PARCEL ID: R3284

VIOLATION: Ordinance 0-5-18 Substandard Structures.

A hearing has been set before the city council for the determination to abate a building or structure that has been identified and inspected as substandard and/or hazardous according to the provisions of Substandard Structures Ordinance O-5-18. The hearing will take place at **Lamesa City Hall, 601 S 1st Street, Lamesa, Texas 79331** on the **8th day of September 2020 at 5:30 p.m.** You may present your case as to why this building should not be declared a public nuisance and why you should not be ordered to repair, renovate, or demolish and clear such building or structure from the premises or proof of scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work. If the city council finds that this building is a substandard building or structure, the city council may order the abatement of said condition or conditions by repair, renovation, removal or demolition by you within a reasonable time to be set by the city council and that the city may demolish or remove said building if the owner does not comply with such order. Please give this matter your immediate attention. There are currently no fines nor tickets. The purpose of this notice is to notify you of the issue and hearing.

Samantha Hyatt

Code Administrator
samantha@texascg.com
806.TEXCODE

STRUCTURAL STANDARDS REPORT

SITUS: 705 S 6th St, Lamesa, TX 7933

LEGAL: West Thirty Feet (W/30') of Lot two (2) and All of Lot Three (3), in Block Sixteen (16), of the Lee addition to the city of Lamesa, Dawson County, Texas

INSPECTOR: Michael

DATE INSPECTED: 5/22/2020

VIOLATION: Ordinance O-5-18 Substandard Structures

VACANT STRUCTURES AND LAND: All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health and safety.

Comments: STRUCTURE IS VACANT, SEVERE SIGNS OF DETERIORATION AND LACK OF UPKEEP TO STRUCTURE. OVERALL CONDITIONS ARE CAUSING AN ADVERSE AFFECT TO THE PUBLIC HEALTH AND SAFETY.

OVERHANG EXTENSIONS: All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in sound condition. When required, all exposed surfaces of metal or wood shall be protected for the elements and against decay or rust by periodic application of weather-coating materials, such as paint of similar surface treatment.

Comments: PORCH, OVERHANGS AND EAVES ARE SEVERELY WATER DAMAGED DUE TO THE LACK OF PAINT AND MAINTENANCE. IN SOME PLACES BEAMS HAVEN FALLEN.

ROOFS AND DRAINAGE: The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstruction. Roof water shall not be discharged in a matter that creates a public nuisance.

Comments: ROOF DAMAGE CAUSING WATER LEAKAGE INSIDE THE STRUCTURE

WINDOWS, SKYLIGHT & DOORS FRAMES: Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

Comments: WINDOWS ARE BOARDED UP AND LACKING WINDOW SCREENS NEEDED TO PREVENT INSECTS FOR ACCESSING THE STRUCTURE.

GENERAL: The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

Comments: THE OVERALL CONDITIONS OF THE STRUCTURES ON THE PROPERTY ARE SEVERE.

INTERIOR SURFACES: All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking, or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

Comments: THE PROPERTY IS OPEN AND ACCESSIBLE TO THE PUBLIC WHICH LEAVES OPPORTUNITY FOR VANDALISM. ROOF IS CAVING IN.

ACCUMULATION OF RUBBISH AND GARBAGE: All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

Comments: RUBBISH AND DEBRIS THROUGHOUT THE PROPERTY.

RODENT HARBORAGE: All Structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and re-infestation.

Comments: POSSIBLE RODENT HARBORAGE

FAILURE TO OBEY NOTICE. NO PERSON SHALL OCCUPY ANY BUILDING WHICH HAS BEEN POSTED AS SPECIFIED IN THIS CHAPTER. NO PERSON SHALL REMOVE OR DEFACE ANY SUCH NOTICE SO POSTED UNTIL THE STRUCTURE MEETS REQUIRED STANDARDS OF THE ORDINANCE.

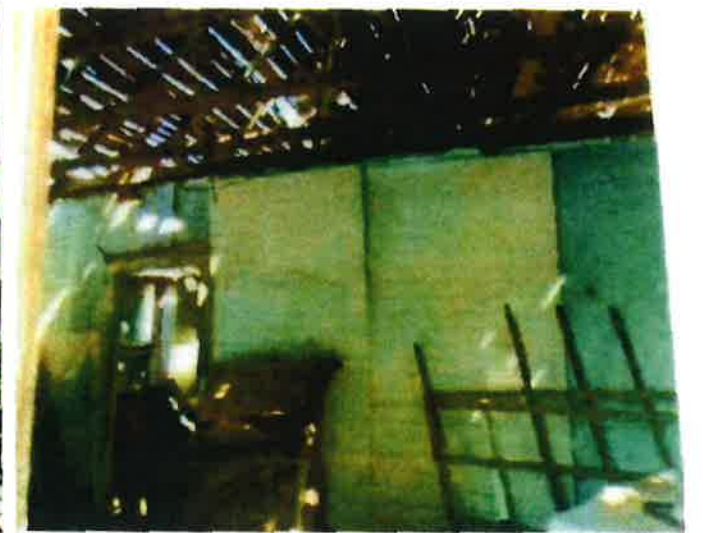
NOTES: THE OVERALL CONDITIONS OF THE STRUCTURE ON THE SAID PROPERTY ARE SEVERE. THE STRUCTURE ITSELF IS IN NEED OF EXTENSIVE REPAIRS, BOTH ON THE INTERIOR AND EXTERIOR AREAS. WITH THE STRUCTURE BEING OPEN AND ACCESSIBLE TO PUBLIC, THIS INVITES VANDALISM AND DAMAGE TO THE OVERALL STRUCTURE. THESE CONDITIONS ARE CONSIDERED TO BE LIFE AND SAFETY HAZARDS TO THE SURROUNDING NEIGHBORHOOD. YOUR RESPONSE TO THE NOTIFICATION AND TO THE CONDITIONS THAT EXIST ON THE PROPERTY UNDER YOUR CONTROL WOULD BE GREATLY APPRECIATED BY BOTH.

STRUCTURAL STANDARDS INFORMATION REPORT



PARCEL: R3284		DATE: 8/20/2020	
LEGAL: West Thirty Feet (W/30') of Lot two (2) and All of Lot Three (3), in Block Sixteen (16) of the Lee addition to the city of Lamesa, Dawson County, Texas			
SITUS: 705 S 6th St, Lamesa, TX 79331			
TAXES DUE:		TITLEWORK DATE:	
OWNER/LIENHOLDER	OWNER/LIENHOLDER	ATTACHED Y/N: YES	
Debbie Garza	City of Lamesa	OWNER/LIENHOLDER	
4119 Amistad Dr	601 S 1st Street		
Midland, TX 79707	Lamesa, TX 79331		
OWNER/LIENHOLDER	OWNER/LIENHOLDER	OWNER/LIENHOLDER	
ORDINANCE REFERENCE	VIOLATION	NOTES	
Ordinance O-5-18 Substandard Structures	Substandard Structure	Damaged Structure See Attached Pictures	

Parcel: R3284 Garza 705 S 6th St, Lamesa TX 79331



ALERT: AS HURRICANE LAURA RECOVERY EFFORTS ARE UNDERWAY IN GULF COAST AREA...

USPS Tracking®

[FAQs >](#)[Track Another Package +](#)**Tracking Number:** 70191640000118685645[Remove X](#)

Your item was delivered to an individual at the address at 12:58 pm on August 22, 2020 in MIDLAND, TX 79707.

 **Delivered**

August 22, 2020 at 12:58 pm
Delivered, Left with Individual
MIDLAND, TX 79707

Get Updates ▼

Text & Email Updates

Tracking History

Product Information

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

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

Midland, TX 79707

Certified Mail Fee	\$3.55
Postage	\$0.70
Extra Services & Fees (check box, add fee)	\$2.85
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Total \$7.10

Debbie Garza
4119 Amistad Dr
Midland Tx 79707

Postmark: AUG 20 2020 0408 04

PS Form 3800, April 2016 PSN 7530-02-000-9077 See Reverse for Instructions

7019 1640 0001 1868 5645

[See Less ^](#)

Can't find what you're looking for?

Go to our [FAQs](#) section to find answers to your tracking questions.

https://tools.usps.com/go/TrackConfirmAction?qt_c_tlLabels1=70191640000118685645

FAQs

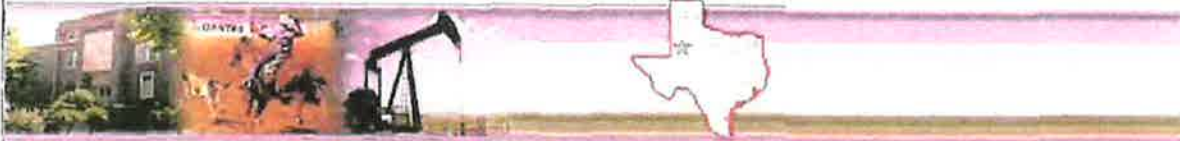
Feedback

Dawson County Central Appraisal District
 Chief Appraiser - Norma J. Brock, R1C, R1A, R1A, C1A, CCA



Official Website

powered by PublicSoft & Associates, Inc.



General Real Estate Property Information

[View Property Details](#)

[View Property Details](#)

Property ID: 1228

Account / Geo Number:
10051-10000-0000-00000

Property Legal Description:
N/30 OF LOT 2 NW 1/4 OF LOT 3
BLK 16 LEE ADDN
TOWNSHIP

Survey / Sub Division Abstracts:
[Empty field]

Property Location:
TOWNSHIP

Block:
16

Section / Lot:
1

Owner Information:
TAMARA DEBROS
P.O. BOX 141
JAMESA TX 75331-0141

[View Owner's Property Information](#)
[View Owner's Property Information](#)

Previous Owner:
MARTIN AND ISIDORA GARCIA

Deed Information:
Volume: 187
Page: 187
File Number:
Deed Date: 01/12/98

[View Property Details](#)

Property Details

Acres:	1.0000
Property Size (Ac):	
Catchment/SPB Code:	81
Total Acres:	0.257
Total Living Sq Ft:	See Data
Owner Interest:	1.000000
Homestead Exemption:	
Homestead Cap Value:	0
Land Appraised Value:	0
Land Market Value:	0.000
Improvement Value:	0.000
Property Market Value:	0.000

[View GIS Map](#)
 This map is a visual representation of the property's location. It is not a legal document and should not be used for legal purposes.

[View Property Details](#)
 This is a link to the property details page. It will provide you with more information about the property, including its location, size, and value.

[View Property Details](#)

[View Property Details](#)

Our Code	Description	Market Value	Homestead	Final Exemption	Debit
01	DAWSON COUNTY	0.000		0	0.000
10	JAMESA I.S.D.	0.000		0	0.000
1015	JAMESA I.S.D. ISG	0.000		0	0.000
20	CITY OF JAMESA	0.000		0	0.000
11	MESA UNDERGROUND WATER	0.000		0	0.000
55	DAWSON CO HOSPITAL DISTRICT	0.000		0	0.000

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[View Property Details](#)

[View Property Details](#)

Date of Inspection: 5/22/2020

Property Address: 711 S. 6th St.

***PLEASE EXPLAIN LOCATION ON STRUCTURE OF EACH VIOLATION CHECKED & EXPLAIN
INCLUDE PICTURES IN APP, IF MORE THAN 4 YOU MAY FORWARD VIA TEXT 806-577-6577
INCLUDE CITY NAME AND ADDRESS THAT IS IN APP***

☒ VACANT WITH SEVERE SIGNS OF DETERIORATION

Holes every where

☒ OVERHANG EXTENSIONS AND EAVES ARE EXTREMELY WEATHERED -LACK OF UPKEEP

yes all deteriorated

☒ ROOF DAMAGE, ROTTING WOOD DECK AND RAFTERS

Holes in Roof

☒ WINDOWS BROKEN OUT, LACKING WINDOW SCREENS, WOOD ROT

Bearded up

☒ STRUCTURE IS OPEN AND ACCESSIBLE

Back Door Open

☒ INTERIOR CONDITIONS ARE SEVERE, SIGNS OF VANDALISM

Ruof Caving in

☒ INTERIOR IS LITTERED WITH INSULATION, TRASH AND OTHER DEBRIS

yes

☒ POSSIBLE RODENT HARBORAGE

yes



PERDUE BRANDON
FIELDER COLLINS & MOTT LLP
ATTORNEYS AT LAW

Property: 3284

County: Dawson

TITLE RUN SHEET

Atty. No. _____ Acct. Name Debbie Garza

Lot: _____ Block: 16 Addition: Lee Addn

Acres: _____ Survey: _____ Section: _____ Abstract: _____

Geo Code: 3284 W 30' of L & 2 all 1 & 3 Date Completed: 3/6/19

Grantor	Grantee	Instrument	Volume	Page	Date
Charley Jenkins Alva	Martin Garza	WD	297	279	7-30-75 8-1-75
Remarks: <u>Lt 3 & 1 & 2 Sec E 20' of 7/2</u>					
Martin & Isidro Martin	Debbie Garza	(WD)	487	187	8-21-98 8-21-98
Remarks: <u>W 30' of 2 all 1 & 3</u>					
Debbie Garza	DCAD	DC #	16927		1-15-04
Remarks:					
✓ City of Lamesa	Record Owner	A-1	793	514	6-20-16 6-29-16
Remarks: <u>\$360.00 weeds</u>					
Remarks: <u>No Dispute</u>					
Remarks:					
Remarks:					
Remarks:					

Liens Checked: ✓

2/27/2019 9:11:29AM

DAWSON CO CENTRAL APPR DIST

Page: 1 of 1

Parcel/Type: 3284/R Acct: 10061-16030-00000-000000

Owner/Seq: 32198/1

Agent:

Name: GARZA DEBBIE

Owner Int: 1.000000

HS Code:

Addr1: P O BOX 484

Disable Vet: 0

eiling Year: 0

Ceiling Tax: 0.00

City/St: LAMESA TX 79331-0484

Prop City/St: -

Prop Addr: 705 S6TH

Legal 1: W/30 OF LOT 2 & ALL OF LOT 3

Legal 2: BLK 16 LEE ADDN

Legal 3: (705 S 6TH)

Legal 4:

Prop City/St: -

Prop City/St: -

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Loan Num:

Appr Year: 2018

Appr Date: 03/16/2017

Appr Nam: SS

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Seq	Acres	Sq Ft	Front	Rear	FF Avg	Depth	Dep %	Class	Cost	%GD	%RD	Extra	Mkt Value	Prod Class/Cd	Prod Cost	%GD	Prod Extra	Prod Value
1	0.257	11200	80	80	80	140.00	1.00	FFR3	25.00	1.00	1.00	0	2000	/	0.00	1.00	0	0

Bldg Type	Class	HS	BlYr	EffYr	Age	Cond	Notes	Tot Area	Cost	Ht-Fct	Pm/A	%GD	%FC	%EC	%CP	Extra	Total Value
1 RES	FR2	Y	0	0	0	0	RES	784	65.62	1.00	1.00	0.20	1.00	0.61	1.00	0	6,280
2 RES	CP	Y	0	0	0	0	RES	80	13.12	1.00	1.00	0.20	1.00	0.42	1.00	0	90

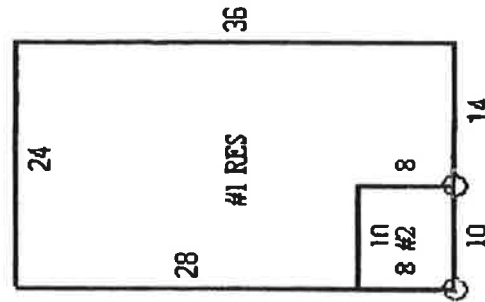
Acres: 0.257	Owners Acres: 0.257	Larger Tract: 0	Land HS: 2,000	Imp HS: 6,370	Total Mkt: 8,370
Abst Num:			Land NHS: 0	Imp New HS: 0	
Abst/SubDiv:			Production Mkt: 0	Imp NHS: 0	Total Taxable: 8,370
Tract/Lot: 2			Prod:(Ag/Timber)	Imp New NHS: 0	Owner Int: 1.000000
Block: 16			Total Land Mkt: 2,000	Imp Total: 6,370	Owner Value: 8,370

Notes:

JUDGEMENT FILED 5-08/

Seq	Building Calls	Seq	Commentary	Value	Unit
1	U8L10U28R24D36L14	1	HIP ROOF	0.00	
2	AL10U8R10D8L10	1	POST/WOOD/BLOCK	0.00	
		1	1 BATHROOM	0.00	
		1	VINYL FLOOR	0.00	
		1	PANELING	0.00	
		1	WOOD CEDAR	0.00	
		1	WOOD FRAME	0.00	
		1	ALUM SIDING	0.00	
		1	2 BEDROOMS	0.00	
		1	SHIPLAP	0.00	
		1	ELECTRICITY	0.00	
		1	GAS	0.00	
		1	WATER	0.00	
		1	SEWER	0.00	

Num: 1	Previous Owner	Deed Date	Volume	Page
1	MARTIN AND ISIDRA GARZA	8/1/1998	487	187



City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: SEPTEMBER 8, 2020

AGENDA ITEM: 13

SUBJECT: NUISANCE PROPERTY REMOVAL OR DEMOLITION
PROCEEDING: Resolution
SUBMITTED BY: City Staff
EXHIBITS: Citation letters & pictures
AUTHORITY: City Code of Ordinance, Sec. 3.05.006

SUMMARY STATEMENT

Consider passing a resolution finding the structure located on the above property to be uninhabitable, deteriorated, dangerous, and a substandard structure which constitutes a public nuisance within the terms of the Substandard Building Ordinance of the City of Lamesa and ordering the removal or demolition of such substandard structure.

LEGAL DESCRIPTION: WEST THIRTY FEET (W/30') OF LOT TWO (2) AND ALL OF LOT THREE (3), IN BLOCK SIXTEEN (16), OF THE LEE ADDITION, TO THE CITY OF LAMESA, DAWSON COUNTY, TEXAS

SITUS: 705 S 6TH, LAMESA, TX 79331
PARCEL ID: R3284

COUNCIL ACTION

DISCUSSION _____

Motion by Council Member _____ to consider passing a resolution finding the structure located on the above property to be uninhabitable, deteriorated, dangerous, and a substandard structure which constitutes a public nuisance within the terms of the Substandard Building Ordinance of the City of Lamesa and ordering the removal or demolition of such substandard structure. Motion seconded by Council Member _____ and upon being put to a vote the motion _____.

VOTING: "AYE" _____ "NAY" _____ "ABSTAIN" _____

CITY MANAGER'S MEMORANDUM

Recommend approval.

RESOLUTION NO.

A RESOLUTION ORDERING THE REMOVAL OR DEMOLITION OF A SUBSTANDARD STRUCTURE LOCATED AT 705 S 6TH STREET IN THE CITY OF LAMESA.

On this the 8th day of September, 2020, there came on and was held at the regular meeting place, The City Hall in the City of Lamesa, Texas, 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) and there being a quorum present and acting throughout the meeting, the following resolution was formally submitted by motion and duly seconded for the consideration and action of the meeting, to wit:

WHEREAS, the City Council of the City of Lamesa, Texas, has adopted a Substandard Structure Ordinance establishing procedures and policies requiring the repair, demolition or removal of certain structures, which have been deemed to be a public nuisance; and

WHEREAS, the Building Inspector of the City of Lamesa, has found that the structure(s) located on the premises hereinafter described constitutes a substandard building or structure and is a public nuisance within the terms of said ordinance;

WHEREAS, the property owners have been duly notified of the Building Inspector's findings, and given the opportunity to remedy such conditions; and

WHEREAS, the Building Inspector has been unable to secure voluntary compliance with the ordinance; and

WHEREAS, a hearing has been held on this date pursuant to such ordinance, at which the City Council has determined that all notices and citations have been served on the owner of the following described property and that the building or structures located on the following described property is a substandard building or structure under the terms of the Substandard Structures Ordinance and constitutes a public nuisance as defined in said ordinance; and

WHEREAS, after hearing, the City Council has determined that said building or structures should be removed or demolished by the owner within a reasonable specified time.

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

I.

That the structure located on the following described property located at 705 S 6TH Street is hereby declared a Substandard Structure as defined in the Substandard

Structure Ordinance of the City of Lamesa, Texas and as such is declared to be a public nuisance and unlawful, to-wit:

LEGAL DESCRIPTION: WEST THIRTY FEET (W/30') OF LOT TWO (2) AND ALL OF LOT THREE (3), IN BLOCK SIXTEEN (16), OF THE LEE ADDITION, TO THE CITY OF LAMESA, DAWSON COUNTY, TEXAS

SITUS: 711 S 6TH, LAMESA, TX 79331
PARCEL ID: R3284

and such nuisance shall be abated by removal or demolition as provided herein or by any other procedure provided by law, for the following reasons:

- (1) The structure located upon the premises has windows or doors open to outdoor space and not protected against the entry of vermin, disease vectors or vandals;
- (2) The structure is uninhabitable, untenable and unsightly due to deterioration caused by neglect or the elements; and
- (3) The structure and property has an accumulation or rubbish, trash and weeds, which is likely to become a fire hazard and endanger the public or property of others.

II.

That the abatement by removal or demolition as provided herein shall be caused by the owners of such property not later than thirty (30) days from the date of this resolution.

III.

That failure to comply with this order will authorize all proceedings specified in the Substandard Buildings Ordinance necessary for the City to cause the removal or demolition of said structure with such expense to be assessed against such property and secured by a lien against such premises for all expenses incurred by the City in connection with the removal or demolition of such buildings or structures.

IV.

That a copy or resolution be served on the owners of such property in the manner and form provided in the Substandard Structure Ordinance.

V.

That this resolution shall take effect immediately.

Upon being put to a vote, the resolution was Passed, Approved, and Adopted this 8th day of September, 2020, 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 resolution book thereafter.

Attest:

Betty Conde
City Secretary

Approved:

Josh Stevens
Mayor

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: SEPTEMBER 8, 2020

AGENDA ITEM: 14

SUBJECT: NUISANCE PROPERTY REMOVAL OR DEMOLITION
PROCEEDING: Resolution
SUBMITTED BY: City Staff
EXHIBITS:
AUTHORITY: City Code of Ordinance, Sec. 3.05.006

SUMMARY STATEMENT

Consider passing a resolution finding the structure located on the above property to be uninhabitable, deteriorated, dangerous, and a substandard structure which constitutes a public nuisance within the terms of the Substandard Building Ordinance of the City of Lamesa and ordering the removal or demolition of such substandard structure.

LEGAL DESCRIPTION: LOTS ONE (1), TWO (2) AND THREE IN BLOCK FOUR (4) OF THE HOLLIS ADDITION TO THE CITY OF LAMESA, DAWSON COUNTY, TEXAS

SITUS: 1305 S BOSTON, LAMESA, TX 79331
PARCEL ID: R2890

COUNCIL ACTION

DISCUSSION _____

Motion by Council Member _____ to consider passing a resolution finding the structure located on the above property to be uninhabitable, deteriorated, dangerous, and a substandard structure which constitutes a public nuisance within the terms of the Substandard Building Ordinance of the City of Lamesa and ordering the removal or demolition of such substandard structure. 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

601 SOUTH 1ST STREET LAMESA, TEXAS 79331 TEL. 806-872-2124 FAX 806-872-4338

August 25, 2020

QUOTE:

1305 S. Boston
Lamesa, Texas 79331

Hourly Rate and Number of Roll Off are subject to change:

City of Lamesa crew to tear down dilapidated house and trees at this address and haul off to the landfill.

Hourly Rate:	Approximately	24 to 28 hours	24 hours	28 hours
Loader	\$70.00 hr.		\$1,680.00	\$1,960.00
Operator	\$18.00 hr.		\$432.00	\$504.00

Approximately 20 to 24 Roll Off's Loads	20 loads	24 loads
\$100.00 – 30 yard Roll Off Load	<u>\$2,000.00</u>	<u>\$2,400.00</u>
	\$4,112.00	\$4,864.00

Plus Tonnage: \$20.00 a ton

30yrd. Roll Off rate:
\$100.00 – Hauling Fee: (each load to the City Landfill.)
\$20.00 – Ton Disposal Fee: (every load that weighs in.)
\$10.00 – Ton Disposal Fee: for concrete.

Robert Ramirez
Public Works
City of Lamesa

RESOLUTION NO.

A RESOLUTION ORDERING THE REMOVAL OR DEMOLITION OF A SUBSTANDARD STRUCTURE LOCATED AT 1305 S BOSTON IN THE CITY OF LAMESA.

On this the 8th day of August, 2020, there came on and was held at the regular meeting place, The City Hall in the City of Lamesa, Texas, 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) and there being a quorum present and acting throughout the meeting, the following resolution was formally submitted by motion and duly seconded for the consideration and action of the meeting, to wit:

WHEREAS, the City Council of the City of Lamesa, Texas, has adopted a Substandard Structure Ordinance establishing procedures and policies requiring the repair, demolition or removal of certain structures, which have been deemed to be a public nuisance; and

WHEREAS, the Building Inspector of the City of Lamesa, has found that the structure(s) located on the premises hereinafter described constitutes a substandard building or structure and is a public nuisance within the terms of said ordinance;

WHEREAS, the property owners have been duly notified of the Building Inspector's findings, and given the opportunity to remedy such conditions; and

WHEREAS, the Building Inspector has been unable to secure voluntary compliance with the ordinance; and

WHEREAS, a hearing has been held on this date pursuant to such ordinance, at which the City Council has determined that all notices and citations have been served on the owner of the following described property and that the building or structures located on the following described property is a substandard building or structure under the terms of the Substandard Structures Ordinance and constitutes a public nuisance as defined in said ordinance; and

WHEREAS, after hearing, the City Council has determined that said building or structures should be removed or demolished by the owner within a reasonable specified time.

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

I.

That the structure located on the following described property located at 1305 S Boston is hereby declared a Substandard Structure as defined in the Substandard Structure

Ordinance of the City of Lamesa, Texas and as such is declared to be a public nuisance and unlawful, to-wit:

LEGAL DESCRIPTION: LOTS ONE (1), TWO (2) AND THREE IN BLOCK FOUR (4) OF THE HOLLIS ADDITION TO THE CITY OF LAMESA, DAWSON COUNTY, TEXAS

SITUS: 1305 S BOSTON, LAMESA, TX 79331
PARCEL ID: R2890

and such nuisance shall be abated by removal or demolition as provided herein or by any other procedure provided by law, for the following reasons:

- (1) The structure located upon the premises has windows or doors open to outdoor space and not protected against the entry of vermin, disease vectors or vandals;
- (2) The structure is uninhabitable, untenable and unsightly due to deterioration caused by neglect or the elements; and
- (3) The structure and property has an accumulation or rubbish, trash and weeds, which is likely to become a fire hazard and endanger the public or property of others.

II.

That the abatement by removal or demolition as provided herein shall be caused by the owners of such property not later than thirty (30) days from the date of this resolution.

III.

That failure to comply with this order will authorize all proceedings specified in the Substandard Buildings Ordinance necessary for the City to cause the removal or demolition of said structure with such expense to be assessed against such property and secured by a lien against such premises for all expenses incurred by the City in connection with the removal or demolition of such buildings or structures.

IV.

That a copy or resolution be served on the owners of such property in the manner and form provided in the Substandard Structure Ordinance.

V.

That this resolution shall take effect immediately.

Upon being put to a vote, the resolution was Passed, Approved, and Adopted this 8th day of September, 2020, 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 resolution book thereafter.

Attest:

Betty Conde
City Secretary

Approved:

Josh Stevens
Mayor

CITY OF LAMESA

601 S. 1st Street
Lamesa, TX 79331
806.872.2124



samantha@texasecg.com
806.839.2633

August 4, 2020

Estelene Smith
5169 Carson St
Denver, CO 80239-4122

RE: Notice of Code Violation and Hearing

This notice is to inform you that the following property was found to be in violation of the city's substandard structure ordinance outlined in the Local Government Code, Title 7, Subtitle A, Chapter 214, for dangerous structures.

LEGAL DESCRIPTION: Lots One (1), Two (2) and Three (3) in Block Four (4) of the Hollis Addition, to the Town of Lamesa, Dawson County, Texas

SITUS: 1305 S Boston, Lamesa, TX 79331

PARCEL ID: R2890

VIOLATION: Ordinance O-5-18 Substandard Structures.

STRUCTURE #1 DESCRIPTION: A single-family one-story house formerly painted white, but now with broken windows and partially collapsed front porch. Structure sits directly at the SE intersection of SE 13th St. & S Boston Ave.

STRUCTURE #2 DESCRIPTION: A single-family one-story house formerly painted white, but now with broken windows & doors. Wooden boards falling down. Structure sits in between Structure #1 and mobile home.

STRUCTURE #3 DESCRIPTION: A single-family one-story house made from stucco formerly painted beige with red roof. No roof, doors or windows. Structure sits directly behind Structure #2.

STRUCTURE #4 DESCRIPTION: Mobile Home painted white with yellow trim. Porch is partially collapsed

Your property was inspected on the 3rd day of August by I Rodriguez.

A hearing has been set before the city council for the determination to abate a building or structure that has been identified and inspected as substandard and/or hazardous according to the provisions of Substandard Structures Ordinance O-5-18. The hearing will take place at Lamesa

CITY OF LAMESA

601 S. 1st Street
Lamesa, TX 79331
806.872.2124



samantha@texascg.com

806.839.2633

City Hall, 601 S 1st Street, Lamesa, Texas 79331 on the 18th day of August 2020 at 5:30 p.m.

You may present your case as to why this building should not be declared a public nuisance and why you should not be ordered to repair, renovate, or demolish and clear such building or structure from the premises or proof of scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work. If the city council finds that this building is a substandard building or structure, the city council may order the abatement of said condition or conditions by repair, renovation, removal or demolition by you within a reasonable time to be set by the city council and that the city may demolish or remove said building if the owner does not comply with such order. Please give this matter your immediate attention. There are currently no fines nor tickets. The purpose of this notice is to notify you of the issue and hearing.

Samantha Hyatt

Code Administrator
samantha@texascg.com
806.TEXCODE

CITY OF LAMESA

601 S. 1st Street
Lamesa, TX 79331
806.872.2124



samantha@texascg.com
806.839.2633

August 4, 2020

Estelene Smith
13891 Randolph Pl
Aurora, CO 80239-3748

RE: Notice of Code Violation and Hearing

This notice is to inform you that the following property was found to be in violation of the city's substandard structure ordinance outlined in the Local Government Code, Title 7, Subtitle A, Chapter 214, for dangerous structures.

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SITUS: 1305 S Boston, Lamesa, TX 79331

PARCEL ID: R2890

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CITY OF LAMESA

601 S. 1st Street
Lamesa, TX 79331
806.872.2124



samantha@texascg.com
806.839.2633

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Samantha Hyatt

A handwritten signature in cursive script that reads "Samantha Hyatt".

Code Administrator
samantha@texascg.com
806.TEXCODE

CITY OF LAMESA

601 S. 1st Street
Lamesa, TX 79331
806.872.2124



samantha@texascg.com

806.839.2633

August 4, 2020

Joseph Eugene Fobbs
12608 E 13th Pl.
Aurora, CO 80011-6354

RE: Notice of Code Violation and Hearing

This notice is to inform you that the following property was found to be in violation of the city's substandard structure ordinance outlined in the Local Government Code, Title 7, Subtitle A, Chapter 214, for dangerous structures.

LEGAL DESCRIPTION: Lots One (1), Two (2) and Three (3) in Block Four (4) of the Hollis Addition, to the Town of Lamesa, Dawson County, Texas

SITUS: 1305 S Boston, Lamesa, TX 79331

PARCEL ID: R2890

VIOLATION: Ordinance O-5-18 Substandard Structures.

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Your property was inspected on the 3rd day of August by I Rodriguez.

A hearing has been set before the city council for the determination to abate a building or structure that has been identified and inspected as substandard and/or hazardous according to the provisions of Substandard Structures Ordinance O-5-18. The hearing will take place at **Lamesa**

CITY OF LAMESA

601 S. 1st Street
Lamesa, TX 79331
806.872.2124



samantha@texascg.com
806.839.2633

City Hall, 601 S 1st Street, Lamesa, Texas 79331 on the 18th day of August 2020 at 5:30 p.m.

You may present your case as to why this building should not be declared a public nuisance and why you should not be ordered to repair, renovate, or demolish and clear such building or structure from the premises or proof of scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work. If the city council finds that this building is a substandard building or structure, the city council may order the abatement of said condition or conditions by repair, renovation, removal or demolition by you within a reasonable time to be set by the city council and that the city may demolish or remove said building if the owner does not comply with such order. Please give this matter your immediate attention. There are currently no fines nor tickets. The purpose of this notice is to notify you of the issue and hearing.

Samantha Hyatt

Code Administrator
samantha@texascg.com
806.TEXCODE

STRUCTURAL STANDARDS INFORMATION REPORT



PARCEL: R2890 DATE: 8/4/2020

LEGAL: Lots One (1), Two (2) and Three (3) in Block Four (4) of the Hollis Addition, to the Town of Lamesa, Dawson County, Texas

SITUS: 1305 S Boston, Lamesa, TX 79331

TAXES DUE: TITLEWORK DATE: ATTACHED Y/N: YES

OWNER/LIENHOLDER	OWNER	OWNER/LIENHOLDER	OWNER/LIENHOLDER	OWNER/LIENHOLDER
Estelene Smith	Owner	Estelene Smith	Owner	Joseph Eugene Fobbs
5169 Carson St		13891 Randolph Pl		12608 E 13th Pl.
Denver, CO 80239-4122		Aurora, CO 80239-3748		Aurora, CO 80011-6354

OWNER/LIENHOLDER OWNER/LIENHOLDER OWNER/LIENHOLDER

OWNER/LIENHOLDER OWNER/LIENHOLDER OWNER/LIENHOLDER

ORDINANCE REFERENCE	VIOLATION	NOTES
Ordinance O-5-18 Substandard Structures	Substandard Structure	Damaged Structure See Attached Pictures

STRUCTURAL STANDARDS REPORT

SITUS: 1305 S Boston, Lamesa, TX 79331

LEGAL: Lots One (1), Two (2) and Three (3) in Block Four (4) of the Hollis Addition, to the Town of Lamesa, Dawson County, Texas, Structure #1, A single-family one-story house formerly painted white, but now with broken windows and partially collapsed front porch. Structure sits directly at the SE intersection of SE 13th St. & S Boston Ave.

INSPECTOR: I Rodriguez

DATE INSPECTED: 8/3/2020

VIOLATION: Ordinance O-5-18 Dangerous Structure

VACANT STRUCTURES AND LAND: All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health and safety.

Comments: STRUCTURE ARE VACANT, SEVERE SIGNS OF DETERIORATION AND LACK OF UPKEEP TO STRUCTURES. OVERALL CONDITIONS ARE CAUSING AN ADVERSE AFFECT TO THE PUBLIC HEALTH AND SAFETY. PARTIALLY COLLAPSED FRONT PORCH.

ROOFS AND DRAINAGE: The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstruction. Roof water shall not be discharged in a matter that creates a public nuisance.

Comments: ROOF DAMAGE WITH SIGNIFICANT DILAPIDATION.

WINDOWS, SKYLIGHT & DOORS FRAMES: Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

Comments: SOME WINDOWS NO LONGER BOARDED, SOME WINDOWS BROKEN, AND DOOR OPEN.

GENERAL: The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

Comments: THE OVERALL CONDITIONS OF THE STRUCTURE ON THE PROPERTY ARE SEVERE.

INTERIOR SURFACES: All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking, or abraded paint

shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

Comments: SEVERELY PEELING PAINT AND DECAYING WOOD.

ACCUMULATION OF RUBBISH AND GARBAGE: All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

Comments:

RODENT HARBORAGE: All Structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and re-infestation.

Comments: POSSIBLE RODENT HARBORAGE.

FAILURE TO OBEY NOTICE. NO PERSON SHALL OCCUPY ANY BUILDING WHICH HAS BEEN POSTED AS SPECIFIED IN THIS CHAPTER. NO PERSON SHALL REMOVE OR DEFACE ANY SUCH NOTICE SO POSTED UNTIL THE STRUCTURE MEETS REQUIRED STANDARDS OF THE ORDINANCE.

NOTES: THE OVERALL CONDITIONS OF THE STRUCTURE ON THE SAID PROPERTY ARE SEVERE. THE STRUCTURE ITSELF IS IN NEED OF EXTENSIVE REPAIRS, BOTH ON THE INTERIOR AND EXTERIOR AREAS. WITH THE STRUCTURE BEING OPEN AND ACCESSIBLE TO PUBLIC, THIS INVITES VANDALISM AND DAMAGE TO THE OVERALL STRUCTURE. THESE CONDITIONS ARE CONSIDERED TO BE LIFE AND SAFETY HAZARDS TO THE SURROUNDING NEIGHBORHOOD. YOUR RESPONSE TO THE NOTIFICATION AND TO THE CONDITIONS THAT EXIST ON THE PROPERTY UNDER YOUR CONTROL WOULD BE GREATLY APPRECIATED BY BOTH.

STRUCTURAL STANDARDS REPORT

SITUS: 1305 S Boston, Lamesa, TX 79331

LEGAL: Lots One (1), Two (2) and Three (3) in Block Four (4) of the Hollis Addition, to the Town of Lamesa, Dawson County, Texas, Structure #2, A single-family one-story house formerly painted white, but now with broken windows & doors Wooden boards falling down. Structure sits in between Structure #1 and mobile home.

INSPECTOR: I Rodriguez

DATE INSPECTED: 8/3/2020

VIOLATION: Ordinance O-5-18 Dangerous Structure

VACANT STRUCTURES AND LAND: All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health and safety.

Comments: STRUCTURE ARE VACANT, SEVERE SIGNS OF DETERIORATION AND LACK OF UPKEEP TO STRUCTURES. OVERALL CONDITIONS ARE CAUSING AN ADVERSE AFFECT TO THE PUBLIC HEALTH AND SAFETY.

ROOFS AND DRAINAGE: The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstruction. Roof water shall not be discharged in a manner that creates a public nuisance.

Comments: ROOF DAMAGE WITH SIGNIFICANT DILAPIDATION.

WINDOWS, SKYLIGHT & DOORS FRAMES: Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

Comments: WINDOWS BROKEN, AND DOOR OPEN.

GENERAL: The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

Comments: THE OVERALL CONDITIONS OF THE STRUCTURE ON THE PROPERTY ARE SEVERE.

INTERIOR SURFACES: All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking, or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

Comments: SEVERELY PEELING PAINT AND DECAYING WOOD. WOOD FALLING OFF AND MISSING IN AREAS, OPEN INTERIOR.

ACCUMULATION OF RUBBISH AND GARBAGE: All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

Comments:

RODENT HARBORAGE: All Structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and re-infestation.

Comments: POSSIBLE RODENT HARBORAGE.

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NOTES: THE OVERALL CONDITIONS OF THE STRUCTURE ON THE SAID PROPERTY ARE SEVERE. THE STRUCTURE ITSELF IS IN NEED OF EXTENSIVE REPAIRS, BOTH ON THE INTERIOR AND EXTERIOR AREAS. WITH THE STRUCTURE BEING OPEN AND ACCESSIBLE TO PUBLIC, THIS INVITES VANDALISM AND DAMAGE TO THE OVERALL STRUCTURE. THESE CONDITIONS ARE CONSIDERED TO BE LIFE AND SAFETY HAZARDS TO THE SURROUNDING NEIGHBORHOOD. YOUR RESPONSE TO THE NOTIFICATION AND TO THE CONDITIONS THAT EXIST ON THE PROPERTY UNDER YOUR CONTROL WOULD BE GREATLY APPRECIATED BY BOTH.

STRUCTURAL STANDARDS REPORT

SITUS: 1305 S Boston, Lamesa, TX 79331

LEGAL: Lots One (1), Two (2) and Three (3) in Block Four (4) of the Hollis Addition, to the Town of Lamesa, Dawson County, Texas, Structure #3, A single-family one-story house made from stucco formerly painted beige with red roof. No roof, doors or windows. Structure sits directly behind Structure #2.

INSPECTOR: I Rodriguez

DATE INSPECTED: 8/3/2020

VIOLATION: Ordinance O-5-18 Dangerous Structure

VACANT STRUCTURES AND LAND: All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health and safety.

Comments: STRUCTURE IS VACANT, SEVERE SIGNS OF DETERIORATION AND LACK OF UPKEEP TO STRUCTURE. OVERALL CONDITIONS ARE CAUSING AN ADVERSE AFFECT TO THE PUBLIC HEALTH AND SAFETY.

ROOFS AND DRAINAGE: The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstruction. Roof water shall not be discharged in a matter that creates a public nuisance.

Comments: ROOF DAMAGE WITH SIGNIFICANT DILAPIDATION.

WINDOWS, SKYLIGHT & DOORS FRAMES: Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

Comments: WINDOWS BROKEN OR BOARDED.

GENERAL: The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

Comments: THE OVERALL CONDITIONS OF THE STRUCTURE ON THE PROPERTY ARE SEVERE.

INTERIOR SURFACES: All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking, or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

Comments: SEVERELY PEELING PAINT AND DECAYING STUCCO EXTERIOR.

ACCUMULATION OF RUBBISH AND GARBAGE: All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

Comments:

RODENT HARBORAGE: All Structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and re-infestation.

Comments: POSSIBLE RODENT HARBORAGE.

FAILURE TO OBEY NOTICE. NO PERSON SHALL OCCUPY ANY BUILDING WHICH HAS BEEN POSTED AS SPECIFIED IN THIS CHAPTER. NO PERSON SHALL REMOVE OR DEFACE ANY SUCH NOTICE SO POSTED UNTIL THE STRUCTURE MEETS REQUIRED STANDARDS OF THE ORDINANCE.

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STRUCTURAL STANDARDS REPORT

SITUS: 1305 S Boston, Lamesa, TX 79331

LEGAL: Lots One (1), Two (2) and Three (3) in Block Four (4) of the Hollis Addition, to the Town of Lamesa, Dawson County, Texas, Structure #4, Mobile Home painted white with yellow trim. Porch is partially collapsed.

INSPECTOR: I Rodriguez

DATE INSPECTED: 8/3/2020

VIOLATION: Ordinance O-5-18 Dangerous Structure

VACANT STRUCTURES AND LAND: All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health and safety.

Comments: STRUCTURE IS VACANT, SIGNS OF DETERIORATION AND LACK OF UPKEEP TO STRUCTURE. OVERALL CONDITIONS ARE CAUSING AN ADVERSE AFFECT TO THE PUBLIC HEALTH AND SAFETY.

ROOFS AND DRAINAGE: The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstruction. Roof water shall not be discharged in a manner that creates a public nuisance.

Comments: POSSIBLE ROOF DAMAGE.

WINDOWS, SKYLIGHT & DOORS FRAMES: Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

Comments:

GENERAL: The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

Comments: THE OVERALL CONDITIONS OF THE STRUCTURE ON THE PROPERTY ARE POOR.

INTERIOR SURFACES: All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking, or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

Comments: PEELING PAINT, RUSTING METAL, PANELS MISSING, PORCH PARTIALLY COLLAPSED.

ACCUMULATION OF RUBBISH AND GARBAGE: All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

Comments:

RODENT HARBORAGE: All Structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and re-infestation.

Comments: POSSIBLE RODENT HARBORAGE.

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PARCEL ID: R2890 Smith Fobbs 1305 S Boston, Lamesa TX 79331



Structure #1

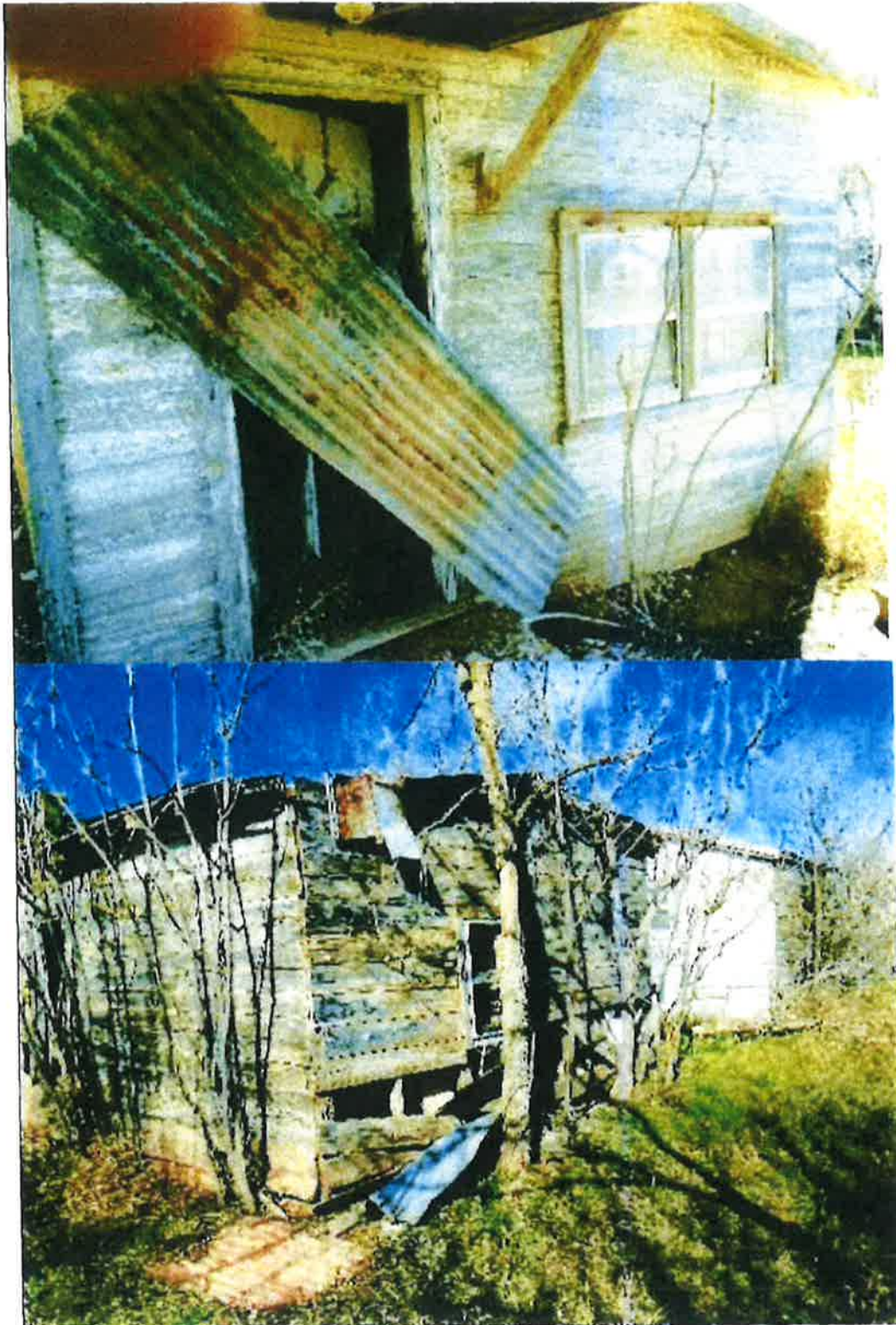


PARCEL ID: R2890 Smith Fobbs 1305 S Boston, Lamesa TX 79331



PARCEL ID: R2890 Smith Fobbs 1305 S Boston, Lamesa TX 79331

Structure #2



PARCEL ID: R2890 Smith Fobbs 1305 S Boston, Lamesa TX 79331

Structure #3



PARCEL ID: R2890 Smith Fobbs 1305 S Boston, Lamesa TX 79331

Structure #4



PARCEL ID: R2890 Smith Fobbs 1305 S Boston, Lamesa TX 79331



County Dawson

TITLE RUN SHEET

Atty. No. _____ Acct. Name Estelene Smith & Joseph Eugene Fobbs

Lot: 1-3 Block: 4 Addition Hollis

Acres: _____ Survey: _____ Section: _____ Abstract: _____

Geo Code: 2890 Date Completed 7/16/20 mo

Grantor	Grantee	Instrument	Volume	Page	Date
Irma Smith	Lester & Velma Smith	WD	369	357	8-31-84
Remarks: <u>widow</u>					9-4-84
	<u>LTS 1-2-3</u>				
	<u>LFS & LA</u>	MLC			8-27-84
	<u>Rel</u>	<u>7/8/84</u>	33	667	8-31-84
Remarks:					
<u>Single</u>	<u>1-2-3</u>	<u>Rel</u>			
Lester Ray Smith	Estelene Smith				9-4-01
Debra Lynette	Joseph Eugene Fobbs	WD	540	482	9-20-01
Remarks: <u>Favors</u>	<u>LTS 1-3</u>	<u>Single</u>			
Remarks:					
<u>Appropriate</u>					
Remarks:					
Remarks:					
Remarks:					
Remarks:					

Estelene Smith
 5169 Canyon St
 Denver CO 80239-4122
 13991 Randolph St
 Denver CO 80239-3748
 Joseph Eugene Fobbs
 7606 E 13th Pl
 Aurora CO 80011-6554

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: SEPTEMBER 8, 2020

AGENDA ITEM: 15

SUBJECT: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAMESA, TEXAS, AUTHORIZING THE CONVEYANCE OF VARIOUS PARCELS OF REAL PROPERTY HELD IN TRUST BY THE CITY OF LAMESA AND AUTHORIZING THE MAYOR OF THE CITY TO EXECUTE TAX DEEDS AND TO TAKE SUCH ACTIONS REQUIRED TO EFFECT THE CONVEYANCE OF SUCH REAL PROPERTY

PROCEEDING: Action Item

SUBMITTED BY: City Staff

EXHIBITS: Resolution

SUMMARY STATEMENT

City Council to consider passing a Resolution authorizing the conveyance of various parcels of real property held in trust by the City of Lamesa and authorizing the Mayor of the City to execute tax deeds and to take such actions required to effect the conveyance of such real property.

COUNCIL ACTION

Discussion _____

Motion by Council Member _____ to authorize the conveyance of various parcels of real property held in trust by the City of Lamesa and authorizing the Mayor of the City to execute tax deeds and to take such actions required to effect the conveyance of such real property. Motion seconded by Council Member _____ and upon being put to a vote the motion _____.

VOTING: "AYE" _____ "NAY" _____ "ABSTAIN" _____

CITY MANAGER'S MEMORANDUM

Recommend approval

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAMESA, TEXAS, AUTHORIZING THE CONVEYANCE OF VARIOUS PARCELS OF REAL PROPERTY HELD IN TRUST BY THE CITY OF LAMESA AND AUTHORIZING THE MAYOR OF THE CITY TO EXECUTE TAX DEEDS AND TO TAKE SUCH ACTIONS REQUIRED TO EFFECT THE CONVEYANCE OF SUCH REAL PROPERTY.

On the 8th day of September, 2020, 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 resolution was formally submitted by motion and duly seconded for the consideration and action of the meeting, to-wit:

WHEREAS, the City of Lamesa is the owner of the following described parcels of land situated within the limits of the City of Lamesa (the "Property") which Property the City of Lamesa is holding in Trust for the use and benefit of each taxing entity in Dawson County, Texas, to-wit:

Tract One: Lot Two (2), in Block One (1) of the D W Adams Addition, to the Town of Lamesa, Dawson County, Texas; and

Tract Two: North half (N/2), of Lots Seven (7) and Eight (8) in Block Eighteen (18) of the College Addition, to the Town of Lamesa, Dawson County, Texas; and

Tract Three: East half (E/2), of Lot One (1), in Block Two (2), of the Turner Addition, to the Town of Lamesa, Dawson County, Texas; and

Tract Four: West half (W/2) of Lot Three (3), in Block Eight (8), of the Turner Addition, to the Town of Lamesa, Dawson County, Texas; and

WHEREAS, offers have been received by the taxing entities for the purchase of the Property and the City of Lamesa wishes to accept such offers.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Lamesa, Texas, that:

SECTION 1: The City of Lamesa, Texas, accept the following offers to purchase the above described tracts of land:

A.) Offer from Valeria Zamora to purchase all of Lot Two (2) in Block (1) of the D W Adams Addition, to the Town of Lamesa, Dawson County, Texas; for the price and sum \$2,000.00

B.) Offer from Lynn & Virginia Garcia to purchase all of North half (N/2), of Lots Seven (7) and Eight (8) in Block Eighteen (18) of the College Addition to the Town of Lamesa, Dawson County, Texas, for the price and sum of \$925.00;

C.) Offer from Jermaine Bunton to purchase all of East half (E/2), of Lot One (1), in Block Two (2), of the Turner Addition to the Town of Lamesa, Dawson County, Texas, for the price and sum of \$200.00;

D.) Offer from Henry Tarango to purchase all of West half (W/2), of Lot (3), in Block Eight (8), of the Turner Addition to the Town of Lamesa, Dawson County, Texas, for the price and sum of \$500.00;

SECTION 2: The above described tracts of land be sold to the above individuals for the amounts specified above.

SECTION 3: The Mayor of the City of Lamesa, Texas, be, and is hereby, authorized to make, execute and deliver Tax Deeds and to take such actions as may be required to effect the conveyance of the above described tracts of land.

Upon being put to a vote, the resolution was Passed, Approved, and Adopted this 8th day of September, 2020, by majority vote and ordered to be spread upon the minutes of the City Council of the City of Lamesa, Texas, and recorded in the resolution book thereafter.

ATTEST:

APPROVED:

Betty Conde
City Secretary

Josh Stevens
Mayor

“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.”

TAX DEED

STATE OF TEXAS §

§

COUNTY OF DAWSON §

WHEREAS, by a Warrant issued out of the 106th Judicial District Court of Dawson County, Texas; in Cause No. 20-05-20592 styled City of Lamesa, et al, vs. Owners of Various Properties Located Within the City Limits of Lamesa, Texas, and delivered to the Sheriff directing him to seize, levy upon and sell the hereinafter described property to satisfy the amount of all delinquent taxes, penalties, interest and costs which were secured by a warrant rendered in said cause on the 18th day of May, 2020, in favor of the Plaintiffs.

WHEREAS, in obedience to said Warrant, the Sheriff did seize and levy on the hereinafter described property and all the estate, right, title and interest or claims which said Defendants so had, in and to, on the 18th day of May, 2020 and since that time had of, in and to, the hereinafter described real property; and as prescribed by law for Sheriff's sales, did offer to sell such real property at public auction.

WHEREAS, at said sale no bid being received which was equal to the adjudged value of said real property as fixed by said court or the aggregate amount of said warrant established therein, the title to said real property pursuant to said warrant and Section 34.01 of the Texas Property Tax Code was struck off in trust for the use and benefit of each taxing district having been by said warrant adjudged to have valid tax liens against such real property, and

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS that the taxing entities set forth in the warrant in said cause, pursuant to the provisions of Section 34.05 of the Texas Property Tax Code, for and in consideration of the sum of **TWO THOUSAND DOLLARS AND 00/100 (\$2,000.00)**, said amount being the highest and best offer received from **Valeria Zamora, 503 N 20th St., Lamesa, TX 79331**, receipt of which is hereby acknowledged, and by these presents do convey, expressly subject to the right of redemption by the Defendants in said tax suit as provided by Section 34.21 of the Texas Property Tax Code, and further subject to all presently recorded and validly existing restrictions, reservations, covenants, conditions, easements, oil and gas leases, mineral interests, and water interests outstanding in persons other than Grantor, and other instruments, other than conveyances of the surface fee estate, that affect the Property, all the right, title and interest as was acquired by the taxing entities through foreclosure the certain tract of land described as follows:

Lot Two (2), in Block One (1), of the D W Adams Addition, to the Town of Lamesa, Dawson County, Texas (R825)

WHEREAS this conveyance is also subject to the following Fee Simple Determinable Condition:

Grantee will do everything necessary to bring the Property into compliance with all state and local codes within six months of the execution date of this deed. An affidavit stating that the condition has been fulfilled, filed within six months of said date, if not contradicted by a recorded statement filed within the same six months, is conclusive evidence that the condition has been satisfied, and Grantee and third parties may rely on it.

TO HAVE AND TO HOLD the above described property unto the named purchaser Valeria Zamora, his/her heirs, successors and assigns forever, free and clear of all liens for ad valorem taxes against such property delinquent at the time of warrant to all taxing units which were a party of said Warrant and as fully and absolutely as the entities named below can convey the above described real property by virtue of said warrant and Order of Sale and said Section 34.05 of the Texas Property Tax Code.

GRANTEE IS TAKING THE PROPERTY IN AN ARM'S-LENGTH AGREEMENT BETWEEN THE PARTIES. THE CONSIDERATION WAS BARGAINED ON THE BASIS OF AN "AS IS, WHERE IS" TRANSACTION AND REFLECTS THE AGREEMENT OF THE PARTIES THAT THERE ARE NO REPRESENTATIONS OR EXPRESS OR IMPLIED WARRANTIES. GRANTEE HAS NOT RELIED ON ANY INFORMATION OTHER THAN GRANTEE'S INSPECTION.

GRANTEE RELEASES GRANTOR FROM LIABILITY FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY, INCLUDING LIABILITY (1) UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA), THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA), THE TEXAS SOLID WASTE DISPOSAL ACT, AND THE TEXAS WATER CODE; OR (2) ARISING AS THE RESULT OF THEORIES OF PRODUCT LIABILITY AND STRICT LIABILITY, OR UNDER NEW LAWS OR CHANGES TO EXISTING LAWS ENACTED AFTER THE EFFECTIVE DATE OF THE PURCHASE CONTRACT THAT WOULD OTHERWISE IMPOSE ON GRANTORS IN THIS TYPE OF TRANSACTION NEW LIABILITIES FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY. THIS RELEASE APPLIES EVEN WHEN THE ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY RESULT FROM GRANTOR'S OWN NEGLIGENCE OR THE NEGLIGENCE OF GRANTOR'S REPRESENTATIVE.

This tax deed may be executed in one or more counterparts, each one of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

EXECUTED this ____ day of _____, 2020.

CITY OF LAMESA

By: _____
Josh Stevens, Mayor

ATTEST:

City Secretary

This instrument was acknowledged before me on the _____ day of _____, _____, by Josh Stevens, Mayor, on behalf of CITY OF LAMESA in its capacity therein stated.

Notary Public, State of Texas



Management Info:

Status: Trust

Best Process: Sign Best Process Type:

Progress: 2014-2018 taxes due, seize.
Has gone through code enforcement, has been demolished.

Property Info:

City: Lamesa

Cad Property Id: 825 CAD Value: 1,250

Site Description: 1303 North 1st Street
Lamesa, Texas 79331

Owner Info: CITY OF LAMESA IN TRUST

ECHAVARRIA CHRISTOPHER
1704 N 12TH STREET
LAMESA TX 79331

Legal Description: STRUCTURE PREVIOUSLY DEMOLISHED.

Lot Two (2), in Block One (1), of the D W Adams Addition, to the Town of Lamesa, Dawson
County, Texas (825)

Homestead: No Site Structure: No Non Affixed Material: No

Litigation Info:

Case Number: 20-05-20592

Judgement Date: 05/18/2020 Sale Date: 07/07/2020

Sheriff's Deed Date: 01/01/2001 Redemption Date: 07/10/2001

Court: 106th

Style Plaintiff: City of Lamesa, et al

Style Defendant: Owners of Various Properties Located Within the City Limits of Lamesa, Texas

Sheriff's Deed Volume:

Tax Due: Yes

Delinquent: Yes Litigation: Yes

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TAX DEED

STATE OF TEXAS §

§

COUNTY OF DAWSON §

WHEREAS, by an Order of Sale issued out of the 106th Judicial District Court of Dawson County, Texas; in Cause No. 15-07-19619 styled Dawson County Central Appraisal District, et al, vs. Ramirez, Cecilio, et al, and delivered to the Sheriff directing him to seize, levy upon and sell the hereinafter described property to satisfy the amount of all delinquent taxes, penalties, interest and costs which were secured by a judgment rendered in said cause on the 21st day of June, 2017, in favor of the Plaintiffs.

WHEREAS, in obedience to said Order of Sale, the Sheriff did seize and levy on the hereinafter described property and all the estate, right, title and interest or claims which said Defendants so had, in and to, on the 21st day of June, 2017 and since that time had of, in and to, the hereinafter described real property; and as prescribed by law for Sheriff’s sales, did offer to sell such real property at public auction.

WHEREAS, at said sale no bid being received which was equal to the adjudged value of said real property as fixed by said court or the aggregate amount of said judgment established therein, the title to said real property pursuant to said judgment and Section 34.01 of the Texas Property Tax Code was struck off in trust for the use and benefit of each taxing district having been by said judgment adjudged to have valid tax liens against such real property, and

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS that the taxing entities set forth in the judgment in said cause, pursuant to the provisions of Section 34.05 of the Texas Property Tax Code, for and in consideration of the sum of **NINE HUNDRED TWENTY-FIVE DOLLARS AND 00/100 (\$925.00)**, said amount being the highest and best offer received from **Lynn & Virginia Garcia 406 S Ave. K, Lamesa, TX 79331**, receipt of which is hereby acknowledged, and by these presents do convey, expressly subject to the right of redemption by the Defendants in said tax suit as provided by Section 34.21 of the Texas Property Tax Code, and further subject to all presently recorded and validly existing restrictions, reservations, covenants, conditions, easements, oil and gas leases, mineral interests, and water interests outstanding in persons other than Grantor, and other instruments, other than conveyances of the surface fee estate, that affect the Property, all the right, title and interest as was acquired by the taxing entities through foreclosure the certain tract of land described as follows:

North half (N/2) of Lots Seven (7) and Eight (8) in Block Eighteen (18) of the College Addition to the City of Lamesa, Dawson County, Texas, (R1796)

WHEREAS this conveyance is also subject to the following Fee Simple Determinable Condition:

Grantee will do everything necessary to bring the Property into compliance with all state and local codes within six months of the execution date of this deed. An affidavit stating that the condition has been fulfilled, filed within six months of said date, if not contradicted by a recorded statement filed within the same six months, is conclusive evidence that the condition has been satisfied, and Grantee and third parties may rely on it.

TO HAVE AND TO HOLD the above described property unto the named purchaser Lynn & Virginia Garcia, his/her heirs, successors and assigns forever, free and clear of all liens for ad valorem taxes against such property delinquent at the time of judgment in the above referred tax suit to all taxing units which were a party of said suit and as fully and absolutely as the entities named below can convey the above described real property by virtue of said judgment and Order of Sale and said Section 34.05 of the Texas Property Tax Code.

GRANTEE IS TAKING THE PROPERTY IN AN ARM'S-LENGTH AGREEMENT BETWEEN THE PARTIES. THE CONSIDERATION WAS BARGAINED ON THE BASIS OF AN "AS IS, WHERE IS" TRANSACTION AND REFLECTS THE AGREEMENT OF THE PARTIES THAT THERE ARE NO REPRESENTATIONS OR EXPRESS OR IMPLIED WARRANTIES. GRANTEE HAS NOT RELIED ON ANY INFORMATION OTHER THAN GRANTEE'S INSPECTION.

GRANTEE RELEASES GRANTOR FROM LIABILITY FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY, INCLUDING LIABILITY (1) UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA), THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA), THE TEXAS SOLID WASTE DISPOSAL ACT, AND THE TEXAS WATER CODE; OR (2) ARISING AS THE RESULT OF THEORIES OF PRODUCT LIABILITY AND STRICT LIABILITY, OR UNDER NEW LAWS OR CHANGES TO EXISTING LAWS ENACTED AFTER THE EFFECTIVE DATE OF THE PURCHASE CONTRACT THAT WOULD OTHERWISE IMPOSE ON GRANTORS IN THIS TYPE OF TRANSACTION NEW LIABILITIES FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY. THIS RELEASE APPLIES EVEN WHEN THE ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY RESULT FROM GRANTOR'S OWN NEGLIGENCE OR THE NEGLIGENCE OF GRANTOR'S REPRESENTATIVE.

This tax deed may be executed in one or more counterparts, each one of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

EXECUTED this ____ day of _____, 2020.

CITY OF LAMESA

By: _____
Josh Stevens, Mayor

ATTEST:

City Secretary

This instrument was acknowledged before me on the _____ day of _____, _____, by Josh Stevens, Mayor, on behalf of CITY OF LAMESA in its capacity therein stated.

Notary Public, State of Texas



Management Info:

Status: Trust

Best Process: Sign Best Process Type:

Progress: Does it need to be demolished? Yes, no homestead. 6 month redemption.
neighbor Lynn Garcia 806.759.1274 wants property, lives across the street at 406 S Avenue K.
house had been demoed.

Property Info:

City: Lamesa

Cad Property Id: 1796 CAD Value: 2,500

Site Description: 407 S Avenue K, Lamesa, TX 79331, USA
N/2 of Lots on the NE intersection of S Ave K and S 4th

Owner Info: Dawson CAD in trust

Legal Description: STRUCTURE PREVIOUSLY DEMOLISHED.
North half (N/2) of Lots Seven (7) and Eight (8) in Block Eighteen (18) of the College Addition
to the City of Lamesa, Dawson County, Texas

Homestead: No Site Structure: No Non Affixed Material: No

Litigation Info:

Case Number: 15-07-19619

Judgement Date: 06/21/2017 Sale Date: 11/07/2017

Sheriff's Deed Date: 12/19/2017 Redemption Date: 06/27/2018

Court: 106th

Style Plaintiff: Dawson County Central Appraisal District, et al

Style Defendant: Ramirez, Cecilio, et al

Sheriff's Deed Volume: Vol. 831 Pg. 58

Tax Due: No

Delinquent: Yes Litigation: No

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TAX DEED

STATE OF TEXAS §

§

COUNTY OF DAWSON §

WHEREAS, by an Warrant issued out of the 106th Judicial District Court of Dawson County, Texas; in Cause No. 19-07-20451 styled City of Lamesa, et al, vs. Owners of Various Properties located within the City Limits of Lamesa, Dawson County, Texas, and delivered to the Sheriff directing him to seize, levy upon and sell the hereinafter described property to satisfy the amount of all delinquent taxes, penalties, interest and costs which were secured by a warrant rendered in said cause on the 17th day of July, 2019, in favor of the Plaintiffs.

WHEREAS, in obedience to said Warrant, the Sheriff did seize and levy on the hereinafter described property and all the estate, right, title and interest or claims which said Defendants so had, in and to, on the 17th day of July, 2019 and since that time had of, in and to, the hereinafter described real property; and as prescribed by law for Sheriff's sales, did offer to sell such real property at public auction.

WHEREAS, at said sale no bid being received which was equal to the adjudged value of said real property as fixed by said court or the aggregate amount of said warrant established therein, the title to said real property pursuant to said warrant and Section 34.01 of the Texas Property Tax Code was struck off in trust for the use and benefit of each taxing district having been by said warrant adjudged to have valid tax liens against such real property, and

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS that the taxing entities set forth in the warrant in said cause, pursuant to the provisions of Section 34.05 of the Texas Property Tax Code, for and in consideration of the sum of **TWO HUNDRED DOLLARS AND 00/100 (\$200.00)**, said amount being the highest and best offer received from **Jermaine Bunton, 228 Marvin Cv., Hutto, TX 78634-5185**, receipt of which is hereby acknowledged, and by these presents do convey, expressly subject to the right of redemption by the Defendants in said tax suit as provided by Section 34.21 of the Texas Property Tax Code, and further subject to all presently recorded and validly existing restrictions, reservations, covenants, conditions, easements, oil and gas leases, mineral interests, and water interests outstanding in persons other than Grantor, and other instruments, other than conveyances of the surface fee estate, that affect the Property, all the right, title and interest as was acquired by the taxing entities through foreclosure the certain tract of land described as follows:

East Half (E/2) of Lot One (1), in Block Two (2), of the Turner Addition, to the City of Lamesa, Dawson County, Texas (R5600)

WHEREAS this conveyance is also subject to the following Fee Simple Determinable Condition:

Grantee will do everything necessary to bring the Property into compliance with all state and local codes within six months of the execution date of this deed. An affidavit stating that the condition has been fulfilled, filed within six months of said date, if not contradicted by a recorded statement filed within the same six months, is conclusive evidence that the condition has been satisfied, and Grantee and third parties may rely on it.

TO HAVE AND TO HOLD the above described property unto the named purchaser Jermaine Bunton, his/her heirs, successors and assigns forever, free and clear of all liens for ad valorem taxes against such property delinquent at the time of warrant to all taxing units which were a party of said Warrant and as fully and absolutely as the entities named below can convey the above described real property by virtue of said warrant and Order of Sale and said Section 34.05 of the Texas Property Tax Code.

GRANTEE IS TAKING THE PROPERTY IN AN ARM'S-LENGTH AGREEMENT BETWEEN THE PARTIES. THE CONSIDERATION WAS BARGAINED ON THE BASIS OF AN "AS IS, WHERE IS" TRANSACTION AND REFLECTS THE AGREEMENT OF THE PARTIES THAT THERE ARE NO REPRESENTATIONS OR EXPRESS OR IMPLIED WARRANTIES. GRANTEE HAS NOT RELIED ON ANY INFORMATION OTHER THAN GRANTEE'S INSPECTION.

GRANTEE RELEASES GRANTOR FROM LIABILITY FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY, INCLUDING LIABILITY (1) UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA), THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA), THE TEXAS SOLID WASTE DISPOSAL ACT, AND THE TEXAS WATER CODE; OR (2) ARISING AS THE RESULT OF THEORIES OF PRODUCT LIABILITY AND STRICT LIABILITY, OR UNDER NEW LAWS OR CHANGES TO EXISTING LAWS ENACTED AFTER THE EFFECTIVE DATE OF THE PURCHASE CONTRACT THAT WOULD OTHERWISE IMPOSE ON GRANTORS IN THIS TYPE OF TRANSACTION NEW LIABILITIES FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY. THIS RELEASE APPLIES EVEN WHEN THE ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY RESULT FROM GRANTOR'S OWN NEGLIGENCE OR THE NEGLIGENCE OF GRANTOR'S REPRESENTATIVE.

This tax deed may be executed in one or more counterparts, each one of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

EXECUTED this ____ day of _____, 2020.

CITY OF LAMESA

By: _____
Josh Stevens, Mayor

ATTEST:

City Secretary

This instrument was acknowledged before me on the _____ day of _____, _____, by Josh Stevens, Mayor, on behalf of CITY OF LAMESA in its capacity therein stated.

Notary Public, State of Texas



Management Info:

Status: Trust

Best Process: Sign Best Process Type:

Progress: East half of lot only/probably needs to be cleaned up

Property Info:

City: Lamesa

Cad Property Id: 5600 CAD Value: 510.00

Site Description: 412 NE 4th St, Lamesa, TX 79331, USA
East half of lot on the SW intersection of NE 4th and N Detroit

Owner Info: Petra G. Sosa
411 S. 4th St.
Lamesa, TX 79331-6217

Anna Moreno Sosa
4606 Shawn Dr.
Killeen, TX 76542

Elias Sosa
15115 Mesa Dr. Apt. 105
Humble, TX 77396-2376

City of Lamesa, Lien holder
601 S. 1st St.
Lamesa, TX 79331

Legal Description: East Half (E/2) of Lot One (1), in Block Two (2), of the Turner Addition, to the City of Lamesa, Dawson County, Texas (R5600)

Homestead: No Site Structure: No Non Affixed Material: No

Litigation Info:

Case Number: 19-07-20451

Judgement Date: 07/17/2019 Sale Date: 09/03/2019

Sheriff's Deed Date: 10/08/2019 Redemption Date: 04/15/2020

Court: 106TH

Style Plaintiff: City of Lamesa, et al

Style Defendant: Owners of Various Properties located within the City Limits of Lamesa, Dawson County, Texas

Sheriff's Deed Volume: 2019-4342

Tax Due: No

Delinquent: Yes Litigation: No

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TAX DEED

STATE OF TEXAS §

§

COUNTY OF DAWSON §

WHEREAS, by an Warrant issued out of the 106th Judicial District Court of Dawson County, Texas; in Cause No. 19-07-20451 styled City of Lamesa, et al, vs. Owners of Various Properties located within the City Limits of Lamesa, Dawson County, Texas, and delivered to the Sheriff directing him to seize, levy upon and sell the hereinafter described property to satisfy the amount of all delinquent taxes, penalties, interest and costs which were secured by a warrant rendered in said cause on the 17th day of July, 2019, in favor of the Plaintiffs.

WHEREAS, in obedience to said Warrant, the Sheriff did seize and levy on the hereinafter described property and all the estate, right, title and interest or claims which said Defendants so had, in and to, on the 17th day of July, 2019 and since that time had of, in and to, the hereinafter described real property; and as prescribed by law for Sheriff’s sales, did offer to sell such real property at public auction.

WHEREAS, at said sale no bid being received which was equal to the adjudged value of said real property as fixed by said court or the aggregate amount of said warrant established therein, the title to said real property pursuant to said warrant and Section 34.01 of the Texas Property Tax Code was struck off in trust for the use and benefit of each taxing district having been by said warrant adjudged to have valid tax liens against such real property, and

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS that the taxing entities set forth in the warrant in said cause, pursuant to the provisions of Section 34.05 of the Texas Property Tax Code, for and in consideration of the sum of **FIVE HUNDRED DOLLARS AND 00/100 (\$500.00)**, said amount being the highest and best offer received from **Henry Tarango, 1005 Oshkosh Ave., Lubbock, TX 79416**, receipt of which is hereby acknowledged, and by these presents do convey, expressly subject to the right of redemption by the Defendants in said tax suit as provided by Section 34.21 of the Texas Property Tax Code, and further subject to all presently recorded and validly existing restrictions, reservations, covenants, conditions, easements, oil and gas leases, mineral interests, and water interests outstanding in persons other than Grantor, and other instruments, other than conveyances of the surface fee estate, that affect the Property, all the right, title and interest as was acquired by the taxing entities through foreclosure the certain tract of land described as follows:

West Half (W/2) of Lot Three (3), in Block Eight (8), of the Turner Addition, to the City of Lamesa, Dawson County, Texas (R5628)

WHEREAS this conveyance is also subject to the following Fee Simple Determinable Condition:

Grantee will do everything necessary to bring the Property into compliance with all state and local codes within six months of the execution date of this deed. An affidavit stating that the condition has been fulfilled, filed within six months of said date, if not contradicted by a recorded statement filed within the same six months, is conclusive evidence that the condition has been satisfied, and Grantee and third parties may rely on it.

TO HAVE AND TO HOLD the above described property unto the named purchaser Henry Tarango, his/her heirs, successors and assigns forever, free and clear of all liens for ad valorem taxes against such property delinquent at the time of warrant of all taxing units which were a party of said Warrant and as fully and absolutely as the entities named below can convey the above described real property by virtue of said warrant and Order of Sale and said Section 34.05 of the Texas Property Tax Code.

GRANTEE IS TAKING THE PROPERTY IN AN ARM'S-LENGTH AGREEMENT BETWEEN THE PARTIES. THE CONSIDERATION WAS BARGAINED ON THE BASIS OF AN "AS IS, WHERE IS" TRANSACTION AND REFLECTS THE AGREEMENT OF THE PARTIES THAT THERE ARE NO REPRESENTATIONS OR EXPRESS OR IMPLIED WARRANTIES. GRANTEE HAS NOT RELIED ON ANY INFORMATION OTHER THAN GRANTEE'S INSPECTION.

GRANTEE RELEASES GRANTOR FROM LIABILITY FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY, INCLUDING LIABILITY (1) UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA), THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA), THE TEXAS SOLID WASTE DISPOSAL ACT, AND THE TEXAS WATER CODE; OR (2) ARISING AS THE RESULT OF THEORIES OF PRODUCT LIABILITY AND STRICT LIABILITY, OR UNDER NEW LAWS OR CHANGES TO EXISTING LAWS ENACTED AFTER THE EFFECTIVE DATE OF THE PURCHASE CONTRACT THAT WOULD OTHERWISE IMPOSE ON GRANTORS IN THIS TYPE OF TRANSACTION NEW LIABILITIES FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY. THIS RELEASE APPLIES EVEN WHEN THE ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY RESULT FROM GRANTOR'S OWN NEGLIGENCE OR THE NEGLIGENCE OF GRANTOR'S REPRESENTATIVE.

This tax deed may be executed in one or more counterparts, each one of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

EXECUTED this ____ day of _____, 2020.

CITY OF LAMESA

By: _____
Josh Stevens, Mayor

ATTEST:

City Secretary

This instrument was acknowledged before me on the _____ day of _____, _____, by Josh Stevens, Mayor, on behalf of CITY OF LAMESA in its capacity therein stated.

Notary Public, State of Texas



Management Info:

Status:	Trust	
Best Process:	Sign	Best Process Type:
Progress:		

Property Info:

City:	Lamesa		
Cad Property Id:	5628	CAD Value:	4,670.00
Site Description:	305 N Detroit Ave, Lamesa, TX 79331, USA		
	West half of Lot		

Owner Info:	Valeria Garza
	707 S. Main Ave.
	Lamesa, TX 79331-7147

Legal Description:	West Half (W/2) of Lot Three (3), in Block Eight (8), of the Turner Addition, to the City of Lamesa, Dawson County, Texas (R5628)
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Homestead:	No	Site Structure:	Yes	Non Affixed Material:	Yes
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Litigation Info:

Case Number:	19-07-20451		
Judgement Date:	07/17/2019	Sale Date:	09/03/2019
Sheriff's Deed Date:	10/08/2019	Redemption Date:	04/15/2020
Court:	106TH		
Style Plaintiff:	City of Lamesa, et al		
Style Defendant:	Owners of Various Properties located within the City Limits of Lamesa, Dawson County, Texas		
Sheriff's Deed Volume:	2019-4342		
Tax Due:	No		
Delinquent:	Yes	Litigation:	No

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: SEPTEMBER 8, 2020

AGENDA ITEM: 16

SUBJECT: BUDGET AMENDMENT X
EXHIBITS: Ordinance First Reading
PROCEEDING: Action
SUBMITTED BY: City Staff

SUMMARY STATEMENT

Consider amending Ordinance O-17-19 on first reading with respect to October 1, 2019.

COUNCIL ACTION

DISCUSSION _____

Motion by Council Member _____ to consider amending Ordinance No.O-17-19 on first reading with respect to October 1, 2019. 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. O-

**AN ORDINANCE OF THE CITY OF LAMESA, TEXAS, AMENDING
ORDINANCE NO. 0-17-19 TO APPROPRIATE FUNDS IN THE CITY
OF LAMESA BUDGET FOR FISCAL YEAR 2019-2020.**

On the 8th day of September, 2020, there came on and was held at the City Hall of the City of Lamesa, Texas, an open meeting of the City Council of the City of Lamesa, Texas, held pursuant to the provisions of the Texas Open Meetings Act (Government Code, Chapter 551). 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:

WHEREAS, the City Council desires to amend Ordinance No. 0-17-19 to make certain revisions to the 2019-2020 Budget of the City of Lamesa to authorize and appropriate funds as listed below; and

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

SECTION 1. That the City of Lamesa 2019-2020 Budget contained in Ordinance No. 0-17-19 be, and same is hereby, amended to change the amount appropriated by the following:

	<u>Revenues</u>	<u>Expenditures</u>
General Fund (2)	\$ 3,625.00	\$ 3,625.00

SECTION 2. Effective date: That this Ordinance shall become effective as of this October 30th, 2020.

SECTION 3. The City Secretary is hereby authorized and directed to cause publication of this Ordinance as provided by law.

Upon being put to a vote, the foregoing ordinance was Passed, on First Reading on September 8th, 2020 by a majority vote with amendment; and on October 20th, 2020, there 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 (Government. Code, Chapter 551); 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 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

Betty Conde
City Secretary

APPROVED:

Josh Stevens Mayor

CITY OF LAMESA BUDGET AMENDMENT 8 FOR 2019/2020

GENERAL FUND (1)

This budget amendment reflects the proceeds from the sale of trust properties through the Texas Community Group. This budget amendment totals\$

Increase Revenues (01- 40904) Misc. Revenue	\$3,625.00
Increase Expenditures (01-5081-603) Special Services	\$3,625.00

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: SEPTEMBER 8, 2020

AGENDA ITEM: 17

SUBJECT: BUDGET AMENDMENT XI
EXHIBITS: Ordinance First Reading
PROCEEDING: Action
SUBMITTED BY: City Staff

SUMMARY STATEMENT

Consider amending Ordinance O-20-20 on first reading with respect to October 1, 2020.

COUNCIL ACTION

DISCUSSION _____

Motion by Council Member _____ to consider amending Ordinance No.O-20-20 on first reading with respect to October 1, 2020. 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 OF THE CITY OF LAMESA, TEXAS, AMENDING ORDINANCE NO. 0-20-20 TO APPROPRIATE FUNDS IN THE CITY OF LAMESA BUDGET FOR FISCAL YEAR 2020-2021.

On the 8th day of September, 2020, there came on and was held at the City Hall of the City of Lamesa, Texas, an open meeting of the City Council of the City of Lamesa, Texas, held pursuant to the provisions of the Texas Open Meetings Act (Government Code, Chapter 551). 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:

WHEREAS, the City Council desires to amend Ordinance No. 0-20-20 to make certain revisions to the 2020-2021 Budget of the City of Lamesa to authorize and appropriate funds as listed below; and

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

SECTION 1. That the City of Lamesa 2020-2021 Budget contained in Ordinance No. 0-20-20 be, and same is hereby, amended to change the amount appropriated by the following:

	<u>Revenues</u>	<u>Expenditures</u>
General Fund (1)	\$ 147,542.98	\$ 147,542.98

SECTION 2. Effective date: That this Ordinance shall become effective as of this October 30, 2020.

SECTION 3. The City Secretary is hereby authorized and directed to cause publication of this Ordinance as provided by law.

Upon being put to a vote, the foregoing ordinance was Passed, on First Reading on September 8th, 2020 by a majority vote with amendment; and on October 20, 2020, there 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 (Government Code, Chapter 551); 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 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

Betty Conde
City Secretary

APPROVED:

Josh Stevens
Mayor

CITY OF LAMESA BUDGET AMENDMENT 1 FOR 2019/2020

GENERAL FUND (1)

This budget amendment reflects the addition of two full-time officers for Criminal Street-Division to the Police Department

Fund Balance			\$108,083.98
	Salary	Benefits	Total
Lt. Special Operations	\$ 48,108.00	\$ 12,508.00	\$ 60,616.00
Officer- Special	\$ 37,673.00	\$ 9,794.98	<u>\$ 45,772.70</u>
Increase Expenditures (01-5062-101) Total			\$ 108,083.98

This budget amendment reflects moving from .5 FTE to 1 FTE for the Administrative Assistant. (16.66%)/(Water Dept (83.34%))

Fund Balance			\$ 39,459.00
	Salary	Benefits	Total
Administrative Assistant	\$ 45,000.00	\$ 9,675.00	\$ 54,675.00
Less Amount Budgeted	\$ 15,216.00	-	<u>\$ 15,216.00</u>
Increase Expenditures – (01-5081-101 – Salaries)			\$ 39,459.00

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: SEPTEMBER 8, 2020

AGENDA ITEM: 18

SUBJECT: **AD VALOREM TAX RATE – 2019 (DEBT SERVICE TAX RATE)**
PROCEEDING: Ordinance, Second Reading
SUBMITTED BY: City Staff
EXHIBITS: Ordinance
AUTHORITY: *City Charter – Article V, Taxes and Taxation*
State Law; Property Tax Code, Sec.26.05

SUMMARY STATEMENT

Consider establishing an ad valorem tax rate for Fiscal Year 2020-2021 by passing on second reading an ordinance establishing the ad valorem tax rate which will raise the amount of revenue required to pay Debt Service at a rate of **\$0.0000** per hundred dollar assessed valuation for Fiscal Year beginning October 1, 2020 and ending September 30, 2021. *(City Manager)*

COUNCIL ACTION

DISCUSSION _____

Motion by Council Member _____ must be stated as; **THIS YEAR'S PROPOSED TAX RATE DOES NOT EXCEED THE NO-NEW-REVENUE TAX RATE**

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

RECORD VOTE REQUIRED: VOTE BY SHOW OF HANDS

VOTING	"AYE"	"NAY"	"ABSTAIN"
Josh Stevens	_____	_____	_____
Brant Stewart	_____	_____	_____
Marie A. Briseno	_____	_____	_____
LUCIANO REYES	_____	_____	_____
DORE RODRIQUEZ	_____	_____	_____
BOBBY GONZALES	_____	_____	_____
Douglas Morris	_____	_____	_____

CITY MANAGER'S MEMORANDUM

Recommend approval on 1st reading to set the Debt Service tax rate at \$0.0000 on the hundred dollars cash value.

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LAMESA, TEXAS LEVYING AD VALOREM TAXES FOR FISCAL YEAR 2020-2021 AT \$0.0000 PER ONE HUNDRED DOLLARS ASSESSED VALUATION OF ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS TO PROVIDE REVENUES FOR INTEREST AND SINKING FUND REQUIREMENTS FOR DEBT SERVICE.

On this the 1st day of September, 2020, 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, the following ordinance was formally submitted by motion and duly seconded for the consideration and action of the meeting, to wit:

WHEREAS the City Council hereby finds that this ordinance implements the ad valorem tax revenue provisions of the Operating Budget of the City of Lamesa effective for the Fiscal Year 2020-2021 required to raise the amount of revenue to pay debt service.

WHEREAS, the City Council of the City of Lamesa, Texas finds that passing said ordinance setting said tax rate for debt service is in the public interest of all of the residents of the City of Lamesa, Texas.

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

SECTION 1. There is hereby levied for the Fiscal Year 2020-2021 on all taxable property, real, personal and mixed, situated within the corporate limits of the City of Lamesa, Texas, and not exempt by the Constitution of the State and valid State laws, for interest and sinking fund requirements for debt service a tax of \$0.0000 on each one hundred dollars (\$100.00) of assessed value of taxable property.

SECTION 2 The effective date of this ordinance shall be October 1, 2020.

Upon being put to a vote, the foregoing ordinance was Passed, on Second Reading on the 8th day of September, 2020 by a super majority vote.

ATTEST:

Betty Conde
City Secretary

APPROVED:

Josh Stevens
Mayor

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: SEPTEMBER 8, 2020

AGENDA ITEM: 19

SUBJECT: AD VALOREM TAX RATE – 2019 (MAINTENANCE AND OPERATION TAX RATE)
PROCEEDING: Ordinance; Second Reading
SUBMITTED BY: City Staff
EXHIBITS: Ordinance
AUTHORITY: City Charter – Article V, Taxes and Taxation
State Law; Property Tax Code, Sec.26.05

SUMMARY STATEMENT

Consider establishing an ad valorem tax rate for Fiscal Year 2020-2021 by passing on second reading an ordinance establishing the ad valorem tax rate which will raise the amount of revenue needed to fund Maintenance and Operation expenditures at a rate of **\$0.823236** for fiscal Year beginning October 1, 2020, and ending September 30, 2021. (City Manager)

THIS YEAR'S LEVY TO FUND MAINTENANCE AND OPERATIONS EXPENDITURES DOES NOT EXCEED LAST YEAR'S MAINTENANCE AND OPERATIONS TAX LEVY

COUNCIL ACTION

DISCUSSION _____

Motion by Council Member _____ must be stated as; **THIS YEAR'S PROPOSED TAX RATE DOES NOT EXCEED THE NO-NEW-REVENUE RATE**

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

RECORD VOTE REQUIRED: VOTE BY SHOW OF HANDS

VOTING	"AYE"	"NAY"	"ABSTAIN"
Josh Stevens	_____	_____	_____
Brant Stewart	_____	_____	_____
Marie A. Briseno	_____	_____	_____
LUCIANO REYES	_____	_____	_____
DORE EVAN RODRIQUEZ	_____	_____	_____
BOBBY GONZALES	_____	_____	_____
Douglas Morris	_____	_____	_____

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LAMESA, TEXAS LEVYING AD VALOREM TAXES FOR FISCAL YEAR 2020-2021 AT \$0.823236 PER ONE HUNDRED DOLLARS ASSESSED VALUATION OF ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS TO PROVIDE THE REVENUE REQUIRED FOR MAINTENANCE AND OPERATION EXPENDITURES.

On this the 1st day of September, 2020, 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, the following ordinance was formally submitted by motion and duly seconded for the consideration and action of the meeting, to wit:

WHEREAS the City Council hereby finds that this ordinance implements the ad valorem tax revenue provisions of the Operating Budget of the City of Lamesa effective for the Fiscal Year 2020-2021 required to raise the amount of revenue required for maintenance and operation expenditures.

WHEREAS, the City Council of the City of Lamesa, Texas finds that passing said ordinance setting said tax rate for maintenance and operation expenditures is in the public interest of all of the residents of the City of Lamesa, Texas.

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

SECTION 1. There is hereby levied for the Fiscal Year 2020-2021 on all taxable property, real, personal and mixed, situated within the corporate limits of the City of Lamesa, Texas, and not exempt by the Constitution of the State and valid State laws, for maintenance and operations expenditures a tax of \$0.823236 on each one hundred dollars (\$100.00) of assessed value of taxable property.

SECTION 5. The effective date of this ordinance shall be October 1, 2020.

Upon being put to a vote, the foregoing ordinance was Passed, on Second Reading on the 8th day of September, 2020 by a super majority vote.

ATTEST:

APPROVED:

Betty Conde
City Secretary

Josh Stevens
Mayor

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: SEPTEMBER 8, 2020

AGENDA ITEM: 20

SUBJECT: AD VALOREM TAX RATE – 2020
PROCEEDING: Ordinance; Second Reading
SUBMITTED BY: City Staff
EXHIBITS: Ordinance
AUTHORITY: City Charter – Article V, Taxes and Taxation
State Law; Property Tax Code, Sec.26.05 and 31.05

SUMMARY STATEMENT

Consider establishing an ad valorem tax rate for Fiscal Year 2020-2021 by passing on second reading an ordinance establishing the ad valorem tax rate of **\$0.823236** per hundred dollar assessed valuation for the Fiscal Year beginning October 1, 2020 and ending September 30, 2021, and adopting the provisions of Section 31.05 of the State Property Tax Code to provide for discounts under certain conditions. (City Manager)

THIS YEAR'S LEVY TO FUND MAINTENANCE AND OPERATIONS EXPENDITURES DOES NOT EXCEED LAST YEAR'S MAINTENANCE AND OPERATIONS TAX LEVY

THIS BUDGET WILL RAISE LESS REVENUE FROM PROPERTY TAXES THAN LAST YEAR'S BUDGET BY AN AMOUNT OF \$-2,153, WHICH IS A - 0.09 PERCENT DECREASE FROM LAST YEAR'S BUDGET. THE PROPERTY TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR IS \$75.

COUNCIL ACTION

Discussion _____

Motion by Council Member _____ must be stated; **THIS YEAR'S PROPOSED TAX RATE DOES NOT EXCEED THE NO-NEW-REVENUE RATE**

Motion seconded by Council Member _____ and upon being put to a vote the motion _____.
RECORD VOTE REQUIRED: VOTE BY SHOW OF HANDS

VOTING	"AYE"	"NAY"	"ABSTAIN"
Josh Stevens	_____	_____	_____
Brant Stewart	_____	_____	_____
Marie A. Briseno	_____	_____	_____
LUCIANO REYES	_____	_____	_____
DORE EVAN RODRIQUEZ	_____	_____	_____
BOBBY GONZALES	_____	_____	_____
Douglas Morris	_____	_____	_____

CITY MANAGER'S MEMORANDUM

Recommend approval on 1st reading to set the tax rate at \$0.823236 on the hundred dollars cash value.

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LAMESA, TEXAS LEVYING AD VALOREM TAXES FOR FISCAL YEAR 2020-2021 AT \$0.823236 PER ONE HUNDRED DOLLARS OF ASSESSED VALUATION OF ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS TO PROVIDE REVENUES FOR INTEREST AND SINKING FUND REQUIREMENTS FOR DEBT SERVICE AND MAINTENANCE AND OPERATIONS EXPENDITURES; REPEALING ALL ORDINANCES OF THE CITY IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

On this the 1st day of September, 2020, 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, the following ordinance was formally submitted by motion and duly seconded for the consideration and action of the meeting, to wit:

WHEREAS, the City Council of the City of Lamesa, Texas finds that the taxes to be levied will exceed last year's property tax revenue and will require two public hearings and the publishing of public notices for a tax increase; and

WHEREAS, the City Council of the City of Lamesa, Texas finds that all prerequisites to the levying of a tax rate for the City of Lamesa for the Fiscal Year 2020-2021 as required by law have been complied with; and

WHEREAS, the City Council hereby finds that this ordinance implements the ad valorem tax revenue provisions of the Operating Budget of the City of Lamesa effective for the Fiscal Year 2020-2021 and further finds that this ordinance is not inconsistent or in conflict with said Operating Budget; and

WHEREAS, the City Council of the City of Lamesa, Texas finds that passing said ordinance setting the tax rate and providing for certain discounts would be in the public interest of the residents of the City of Lamesa, Texas.

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

SECTION 1. There is hereby levied for the Fiscal Year 2020-2021 on all taxable property, real, personal and mixed, situated within the corporate limits of the City of Lamesa, Texas, and not exempt by the Constitution of the State and valid State laws, a tax of \$0.823236 on each one hundred dollars (\$100.00) of assessed value of taxable property, and shall be apportioned and distributed as follows \$2,350,101.00 for the purpose of defraying the current expenses for maintenance and operations and debt service of the City.

SECTION 2. "THIS YEAR'S LEVY TO FUND MAINTENANCE AND OPERATIONS EXPENDITURES DOES NOT EXCEED LAST YEAR'S MAINTENANCE AND OPERATIONS TAX LEVY"

SECTION 3. "THIS BUDGET WILL RAISE LESS REVENUE FROM PROPERTY TAXES THAN LAST YEAR'S BUDGET BY AN AMOUNT OF \$-2,153, WHICH IS A -0.09 PERCENT DECREASE FROM LAST YEAR'S BUDGET. THE PROPERTY TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR IS \$75.

SECTION 4. The provisions of Section 31.05 of the State Property Tax Code are hereby adopted and all taxpayers shall be allowed discounts on the following conditions:

- (a)** Three (3) percent discount on ad valorem taxes due the City of Lamesa if the taxes are paid in October of 2020.
- (b)** Two (2) percent discount on ad valorem taxes due the City of Lamesa if the taxes are paid in November of 2020.
- (c)** One (1) percent discount on ad valorem taxes due the City of Lamesa if the taxes are paid in December of 2020.

SECTION 5. The effective date of this ordinance shall be October 1, 2020.

SECTION 6. 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.

Upon being put to a vote, the foregoing ordinance was Passed, on Second Reading on the 8th day of September, 2020 by a majority vote.

ATTEST:

APPROVED:

Betty Conde
City Secretary

Josh Stevens
Mayor

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: SEPTEMBER 8, 2020

AGENDA ITEM: 21

SUBJECT: **AUTHORIZE WARRANTS - GENERAL OPERATIONS**
PROCEEDING: Resolution
SUBMITTED BY: City Staff
EXHIBITS: Resolution
AUTHORITY:

SUMMARY STATEMENT

Consider passing resolution authorizing the issuance of interest-bearing warrants, payable from the anticipated collections of the current fiscal year, not to exceed five hundred thousand dollars (\$500,000.00), to be used where funds are necessary and needed to meet current expenses of the city for the current fiscal year.

COUNCIL ACTION

Motion by Council Member _____ to pass a resolution authorizing the issuance of interest bearing warrants, payable from the anticipated collections of the current fiscal year, not to exceed five hundred thousand dollars (\$500,000.00), to be used where funds are necessary and needed to meet current expenses of the city for the current fiscal year. Motion seconded by Council Member _____ and upon being put to a vote the motion _____.

VOTING: "AYE" _____ "NAY" _____ "ABSTAIN" _____

CITY MANAGER'S MEMORANDUM

Recommend approval.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAMESA, TEXAS, AUTHORIZING THE ISSUANCE OF WARRANTS TO BE USED FOR DAILY OPERATIONS OF THE CITY OF LAMESA.

On this the 8th day of September 2020, 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 resolution was formally submitted by motion and duly seconded for the consideration and action of the meeting, to wit:

WHEREAS, the City Council of the City of Lamesa wishes to authorize the issuance of interest bearing warrants, payable from the anticipated collections of the current fiscal year, not to exceed five hundred thousand dollars (\$500,000.00), to be used where funds are necessary and needed to meet current expenses of the city for the current fiscal year; and

WHEREAS, said warrants are necessary for the continued operation of city departments; and

WHEREAS, it is in the public interest and welfare that said resolution be passed;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAMESA, TEXAS, that Mayor and City Secretary be, and they are hereby authorized to issue warrants to the Lamesa National Bank not to exceed Five Hundred Thousand Dollars and no/100 (\$500,000.00), the money so obtained to be used for daily operations of the City of Lamesa to be paid out of current tax revenue.

BE IT FURTHER RESOLVED that a certified copy of this resolution be delivered to the Lamesa National Bank.

Upon being put to a vote, the resolution was Passed, Approved, and Adopted this 8th day of September, 2020 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 resolution book thereafter.

ATTEST:

APPROVED:

Betty Conde
City Secretary

Josh Stevens
Mayor

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: SEPTEMBER 8, 2020

AGENDA ITEM: 22

SUBJECT: **APPROVAL TO APPLY FOR TXDOT GRANT FUNDING**
PROCEEDING: Action
SUBMITTED BY: City Staff

SUMMARY STATEMENT

City Council to consider approving the Lamesa Municipal Airport Board to apply for TxDOT RAMP Grant funding for up to \$50,000 (no grant match required from the City). *(John Farris)*

COUNCIL ACTION

DISCUSSION _____

Motion by Council Member _____ to approve the Lamesa Municipal Airport to apply for TxDOT RAMP Grant funding for up to \$50,000. Motion seconded by Council Member _____ and upon being put to a vote the motion _____.

VOTING: "AYE" _____ "NAY" _____ "ABSTAIN" _____

CITY MANAGER'S MEMORANDUM

Recommend approval.

**TEXAS DEPARTMENT OF TRANSPORTATION
GRANT FOR ROUTINE AIRPORT MAINTENANCE PROGRAM
(State Assisted Airport Routine Maintenance)**

TxDOT Project ID: M2105LAME

Part I - Identification of the Project

TO: The City of Lamesa, Texas and The County of Dawson, Texas

FROM: The State of Texas, acting through the Texas Department of Transportation

This Grant is made between the Texas Department of Transportation, (hereinafter referred to as the "State"), on behalf of the State of Texas, and the City of Lamesa, Texas and The County of Dawson, Texas, (hereinafter referred to as the "Sponsor").

This Grant Agreement is entered into between the State and the Sponsor shown above, under the authority granted and in compliance with the provisions of the Transportation Code Chapter 21.

The project is for **airport maintenance** at the LAMESA - LAMESA MUNI Airport.

Part II - Offer of Financial Assistance

- I. For the purposes of this Grant, the annual routine maintenance project cost, Amount A, is estimated as found on Attachment A, Scope of Services, attached hereto and made a part of this grant agreement.

State financial assistance granted will be used solely and exclusively for airport maintenance and other incidental items as approved by the State. Actual work to be performed under this agreement is found on Attachment A, Scope of Services. State financial assistance, Amount B, will be for fifty percent (50%) of the eligible project costs for this project or \$50,000.00, whichever is less, per fiscal year and subject to availability of state appropriations.

Scope of Services, Attachment A, of this Grant, may be amended, subject to availability of state funds, to include additional approved airport maintenance work. Scope amendments require submittal of an Amended Scope of Services, Attachment A.

Services will not be accomplished by the State until receipt of Sponsor's share of project costs.

Only work items as described in Attachment A, Scope of Services of this Grant are reimbursable under this grant.

Work shall be accomplished by August 31, 2021, unless otherwise approved by the State.

2. The State shall determine fair and eligible project costs for work scope. Sponsor's share of estimated project costs, Amount C, shall be as found on Attachment A and any amendments.

It is mutually understood and agreed that if, during the term of this agreement, the State determines that there is an overrun in the estimated annual routine maintenance costs, the State may increase the grant to cover the amount of the overrun within the above stated percentages and subject to the maximum amount of state funding.

The State will not authorize expenditures in excess of the dollar amounts identified in this Agreement and any amendments, without the consent of the Sponsor.

3. Sponsor, by accepting this Grant certifies and, upon request, shall furnish proof to the State that it has sufficient funds to meet its share of the costs. The Sponsor grants to the State the right to audit any books and records of the Sponsor to verify expended funds.

Upon execution of this Agreement and written demand by the State, the Sponsor's financial obligation (Amount C) shall be due in cash and payable in full to the State. State may request the Sponsor's financial obligation in partial payments. Should the Sponsor fail to pay their obligation, either in whole or in part, within 30 days of written demand, the State may exercise its rights under Paragraph V-3. Likewise, should the State be unwilling or unable to pay its obligation in a timely manner, the failure to pay shall be considered a breach and the Sponsor may exercise any rights and remedies it has at law or equity.

The State shall reimburse or credit the Sponsor, at the financial closure of the project, any excess funds provided by the Sponsor which exceed Sponsor's share (Amount C).

4. The Sponsor specifically agrees that it shall pay any project costs which exceed the amount of financial participation agreed to by the State. It is further agreed that the Sponsor will reimburse the State for any payment or payments made by the State which are in excess of the percentage of financial assistance (Amount B) as stated in Paragraph II-1.

5. Scope of Services may be accomplished by State contracts or through local contracts of the Sponsor as determined appropriate by the State. All locally contracted work must be approved by the State for scope and reasonable cost. Reimbursement requests for locally contracted work shall be submitted on forms provided by the State and shall include copies of the invoices for materials or services. Payment shall be made for no more than 50% of allowable charges.

The State will not participate in funding for force account work conducted by the Sponsor.

6. This Grant shall terminate upon completion of the scope of services.

Part III - Sponsor Responsibilities

1. In accepting this Grant, if applicable, the Sponsor guarantees that:
 - a. it will, in the operation of the facility, comply with all applicable state and federal laws, rules, regulations, procedures, covenants and assurances required by the State in connection with this Grant; and
 - b. the Airport or navigational facility which is the subject of this Grant shall be controlled by the Sponsor for a period of at least 20 years; and
 - c. consistent with safety and security requirements, it shall make the airport or air navigational facility available to all types, kinds and classes of aeronautical use without discrimination between such types, kinds and classes and shall provide adequate public access during the period of this Grant; and
 - d. it shall not grant or permit anyone to exercise an exclusive right for the conduct of aeronautical activity on or about an airport landing area. Aeronautical activities include, but are not limited to scheduled airline flights, charter flights, flight instruction, aircraft sales, rental and repair, sale of aviation petroleum products and aerial applications. The landing area consists of runways or landing strips, taxiways, parking aprons, roads, airport lighting and navigational aids; and
 - e. through the fence access shall be reviewed and approved by the State; and
 - f. it shall not permit non-aeronautical use of airport facilities without prior approval of the State; and

- g. the Sponsor shall submit to the State annual statements of airport revenues and expenses when requested; and
- h. all fees collected for the use of the airport shall be reasonable and nondiscriminatory. The proceeds from such fees shall be used solely for the development, operation and maintenance of the airport or navigational facility; and
- i. an Airport Fund shall be established by resolution, order or ordinance in the treasury of the Sponsor, or evidence of the prior creation of an existing airport fund or properly executed copy of the resolution, order, or ordinance creating such a fund, shall be submitted to the State. The fund may be an account as part of another fund, but must be accounted for in such a manner that all revenues, expenses, retained earnings, and balances in the account are discernible from other types of moneys identified in the fund as a whole. All fees, charges, rents, and money from any source derived from airport operations must be deposited in the Airport Fund and shall not be diverted to the general revenue fund or another revenue fund of the Sponsor. All expenditures from the Airport Fund shall be solely for airport purposes. Sponsor shall be ineligible for a subsequent grant or loan by the State unless, prior to such subsequent grant or loan, Sponsor has complied with the requirements of this subparagraph; and
- j. the Sponsor shall operate runway lighting at least at low intensity from sunset to sunrise; and
- k. insofar as it is reasonable and within its power, Sponsor shall adopt and enforce zoning regulations to restrict the height of structures and use of land adjacent to or in the immediate vicinity of the airport to heights and activities compatible with normal airport operations as provided in Tex. Loc. Govt. Code Ann. Sections 241.001 et seq. (Vernon and Vernon Supp.). Sponsor shall also acquire and retain aviation easements or other property interests in or rights to use of land or airspace, unless sponsor can show that acquisition and retention of such interest will be impractical or will result in undue hardship to Sponsor. Sponsor shall be ineligible for a subsequent grant or loan by the State unless Sponsor has, prior to subsequent approval of a grant or loan, adopted and passed an airport hazard zoning ordinance or order approved by the State.
- l. mowing services will not be eligible for state financial assistance. Sponsor will be responsible for 100% of any mowing services.

2. The Sponsor, to the extent of its legal authority to do so, shall save harmless the State, the State's agents, employees or contractors from all claims and liability due to activities of the Sponsor, the Sponsor's agents or employees performed under this agreement. The Sponsor, to the extent of its legal authority to do so, shall also save harmless the State, the State's agents, employees or contractors from any and all expenses, including attorney fees which might be incurred by the State in litigation or otherwise resisting claim or liabilities which might be imposed on the State as the result of those activities by the Sponsor, the Sponsor's agents or employees.
3. The Sponsor's acceptance of this Offer and ratification and adoption of this Grant shall be evidenced by execution of this Grant by the Sponsor. The Grant shall comprise a contract, constituting the obligations and rights of the State of Texas and the Sponsor with respect to the accomplishment of the project and the operation and maintenance of the airport.

If it becomes unreasonable or impractical to complete the project, the State may void this agreement and release the Sponsor from any further obligation of project costs.

4. Upon entering into this Grant, Sponsor agrees to name an individual, as the Sponsor's Authorized Representative, who shall be the State's contact with regard to this project. The Representative shall receive all correspondence and documents associated with this grant and shall make or shall acquire approvals and disapprovals for this grant as required on behalf of the Sponsor, and coordinate schedule for work items as required.
5. By the acceptance of grant funds for the maintenance of eligible airport buildings, the Sponsor certifies that the buildings are owned by the Sponsor. The buildings may be leased but if the lease agreement specifies that the lessee is responsible for the upkeep and repairs of the building no state funds shall be used for that purpose.
6. Sponsor shall request reimbursement of eligible project costs on forms provided by the State. All reimbursement requests are required to include a copy of the invoices for the materials or services. The reimbursement request will be submitted no more than once a month.
7. The Sponsor's acceptance of this Agreement shall comprise a Grant Agreement, as provided by the Transportation Code, Chapter 21, constituting the contractual obligations and rights of the State of Texas and the Sponsor with respect to the accomplishment of the airport maintenance and compliance with the assurances and conditions as provided. Such Grant Agreement shall become effective upon the State's written Notice to Proceed issued following execution of this agreement.

Part IV - Nomination of the Agent

1. The Sponsor designates the State as the party to receive and disburse all funds used, or to be used, in payment of the costs of the project, or in reimbursement to either of the parties for costs incurred.
2. The State shall, for all purposes in connection with the project identified above, be the Agent of the Sponsor. The Sponsor grants the State a power of attorney to act as its agent to perform the following services:
 - a. accept, receive, and deposit with the State any and all project funds granted, allowed, and paid or made available by the Sponsor, the State of Texas, or any other entity;
 - b. enter into contracts as necessary for execution of scope of services;
 - c. if State enters into a contract as Agent: exercise supervision and direction of the project work as the State reasonably finds appropriate. Where there is an irreconcilable conflict or difference of opinion, judgment, order or direction between the State and the Sponsor or any service provider, the State shall issue a written order which shall prevail and be controlling;
 - d. receive, review, approve and pay invoices and payment requests for services and materials supplied in accordance with the State approved contracts;
 - e. obtain an audit as may be required by state regulations; the State Auditor may conduct an audit or investigation of any entity receiving funds from TxDOT directly under this contract or indirectly through a subcontract under this contract. Acceptance of funds directly under this contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the State Auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.
 - f. reimburse sponsor for approved contract maintenance costs no more than once a month.

Part V - Recitals

1. This Grant is executed for the sole benefit of the contracting parties and is not intended or executed for the direct or incidental benefit of any third party.
2. It is the intent of this grant to not supplant local funds normally utilized for airport maintenance, and that any state financial assistance offered under this grant be in addition to those local funds normally dedicated for airport maintenance.

3. This Grant is subject to the applicable provisions of the Transportation Code, Chapters 21 and 22, and the Airport Zoning Act, Tex. Loc. Govt. Code Ann. Sections 241.001 et seq. (Vernon and Vernon Supp.). Failure to comply with the terms of this Grant or with the rules and statutes shall be considered a breach of this contract and will allow the State to pursue the remedies for breach as stated below.
 - a. Of primary importance to the State is compliance with the terms and conditions of this Grant. If, however, after all reasonable attempts to require compliance have failed, the State finds that the Sponsor is unwilling and/or unable to comply with any of the terms of this Grant, the State, may pursue any of the following remedies: (1) require a refund of any financial assistance money expended pursuant to this Grant, (2) deny Sponsor's future requests for aid, (3) request the Attorney General to bring suit seeking reimbursement of any financial assistance money expended on the project pursuant to this Grant, provided however, these remedies shall not limit the State's authority to enforce its rules, regulations or orders as otherwise provided by law, (4) declare this Grant null and void, or (5) any other remedy available at law or in equity.
 - b. Venue for resolution by a court of competent jurisdiction of any dispute arising under the terms of this Grant, or for enforcement of any of the provisions of this Grant, is specifically set by Grant of the parties in Travis County, Texas.
4. The State reserves the right to amend or withdraw this Grant at any time prior to acceptance by the Sponsor. The acceptance period cannot be greater than 30 days after issuance unless extended by the State.
5. This Grant constitutes the full and total understanding of the parties concerning their rights and responsibilities in regard to this project and shall not be modified, amended, rescinded or revoked unless such modification, amendment, rescission or revocation is agreed to by both parties in writing and executed by both parties.
6. All commitments by the Sponsor and the State are subject to constitutional and statutory limitations and restrictions binding upon the Sponsor and the State (including Sections 5 and 7 of Article 11 of the Texas Constitution, if applicable) and to the availability of funds which lawfully may be applied.

Part VI - Acceptances

Sponsor

The City of Lamesa, Texas and The County of Dawson, Texas, do ratify and adopt all statements, representations, warranties, covenants, agreements, and all terms and conditions of this Grant.

The City of Lamesa, Texas

Sponsor

The County of Dawson, Texas

Sponsor

Sponsor Signature

Sponsor Signature

Sponsor Title

Sponsor Title

Date

Date

Acceptance of the State

Executed by and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs and grants heretofore approved and authorized by the Texas Transportation Commission.

STATE OF TEXAS

TEXAS DEPARTMENT OF TRANSPORTATION

Signature

Title

Date

Attachment A

Scope of Services
TxDOT Project ID: M2105LAME

Eligible Scope Item	Estimated Costs Amount A	State Share Amount B	Sponsor Share Amount C
GENERAL MAINTENANCE	\$100,000.00	\$50,000.00	\$50,000.00
TOTAL	\$100,000.00	\$50,000.00	\$50,000.00

Sponsor Signature

Sponsor Title

Date

GENERAL MAINTENANCE: As needed, Sponsor may contract for services / purchase materials for routine maintenance / improvement of airport pavements, signage, drainage, AWOS systems, approach aids, lighting systems, utility infrastructure, fencing, herbicide / application, sponsor owned and operated fuel systems, hangars, terminal buildings and security systems; professional services for environmental compliance, approved project design. Special projects to be determined and added by amendment.

Only work items as described in Attachment A, Scope of Services of this Grant are reimbursable under this grant.

CERTIFICATION OF AIRPORT FUND

TxDOT Project ID:

M2105LAME

The City of Lamesa, Texas and The County of Dawson, Texas, do certify that an Airport Fund has been established for the Sponsor, and that all fees, charges, rents, and money from any source derived from airport operations will be deposited for the benefit of the Airport Fund and will not be diverted for other general revenue fund expenditures or any other special fund of the Sponsor and that all expenditures from the Fund will be solely for airport purposes. The fund may be an account as part of another fund, but must be accounted for in such a manner that all revenues, expenses, retained earnings, and balances in the account are discernible from other types of moneys identified in the fund as a whole.

Sponsor Signature

Sponsor Title

Date

Certification of State Single Audit Requirements

I, _____, do certify that the City of Lamesa, Texas and The County of Dawson, Texas, will comply with all requirements of the State of Texas Single Audit Act if the City of Lamesa, Texas and The County of Dawson, Texas, spends or receives more than the threshold amount in any grant funding sources during the most recently audited fiscal year. And in following those requirements, the City of Lamesa, Texas and The County of Dawson, Texas, will submit the report to the audit division of the Texas Department of Transportation. If your entity did not meet the threshold in grant receivables or expenditures, please submit a letter indicating that your entity is not required to have a State Single Audit performed for the most recent audited fiscal year.

Sponsor Signature

Sponsor Title

Date

DESIGNATION OF SPONSOR'S AUTHORIZED REPRESENTATIVE

TxDOT Project ID:

M2105LAME

The City of Lamesa, Texas and The County of Dawson, Texas, designates,

John Farris, Manager as the Sponsor's authorized

(Name, Title)

representative, who shall receive all correspondence and documents associated with this grant and who shall make or shall acquire approvals and disapprovals for this grant as required on behalf of the Sponsor.

Sponsor Signature

Sponsor Title

Date

DESIGNATED REPRESENTATIVE

John Farris

First Name, Last Name

Manager

Title

PO Box 259

Lamesa TX 79331

Address

8067597747

Phone Number

airport2f5@yahoo.com

Email Address

**TEXAS DEPARTMENT OF TRANSPORTATION
GRANT FOR ROUTINE AIRPORT MAINTENANCE PROGRAM
(State Assisted Airport Routine Maintenance)**

TxDOT Project ID: M2105LAME

Part I - Identification of the Project

TO: The City of Lamesa, Texas and The County of Dawson, Texas

FROM: The State of Texas, acting through the Texas Department of Transportation

This Grant is made between the Texas Department of Transportation, (hereinafter referred to as the "State"), on behalf of the State of Texas, and the City of Lamesa, Texas and The County of Dawson, Texas, (hereinafter referred to as the "Sponsor").

This Grant Agreement is entered into between the State and the Sponsor shown above, under the authority granted and in compliance with the provisions of the Transportation Code Chapter 21.

The project is for **airport maintenance** at the LAMESA - LAMESA MUNI Airport.

Part II - Offer of Financial Assistance

- I. For the purposes of this Grant, the annual routine maintenance project cost, Amount A, is estimated as found on Attachment A, Scope of Services, attached hereto and made a part of this grant agreement.

State financial assistance granted will be used solely and exclusively for airport maintenance and other incidental items as approved by the State. Actual work to be performed under this agreement is found on Attachment A, Scope of Services. State financial assistance, Amount B, will be for fifty percent (50%) of the eligible project costs for this project or \$50,000.00, whichever is less, per fiscal year and subject to availability of state appropriations.

Scope of Services, Attachment A, of this Grant, may be amended, subject to availability of state funds, to include additional approved airport maintenance work. Scope amendments require submittal of an Amended Scope of Services, Attachment A.

Services will not be accomplished by the State until receipt of Sponsor's share of project costs.

Only work items as described in Attachment A, Scope of Services of this Grant are reimbursable under this grant.

Work shall be accomplished by August 31, 2021, unless otherwise approved by the State.

2. The State shall determine fair and eligible project costs for work scope. Sponsor's share of estimated project costs, Amount C, shall be as found on Attachment A and any amendments.

It is mutually understood and agreed that if, during the term of this agreement, the State determines that there is an overrun in the estimated annual routine maintenance costs, the State may increase the grant to cover the amount of the overrun within the above stated percentages and subject to the maximum amount of state funding.

The State will not authorize expenditures in excess of the dollar amounts identified in this Agreement and any amendments, without the consent of the Sponsor.

3. Sponsor, by accepting this Grant certifies and, upon request, shall furnish proof to the State that it has sufficient funds to meet its share of the costs. The Sponsor grants to the State the right to audit any books and records of the Sponsor to verify expended funds.

Upon execution of this Agreement and written demand by the State, the Sponsor's financial obligation (Amount C) shall be due in cash and payable in full to the State. State may request the Sponsor's financial obligation in partial payments. Should the Sponsor fail to pay their obligation, either in whole or in part, within 30 days of written demand, the State may exercise its rights under Paragraph V-3. Likewise, should the State be unwilling or unable to pay its obligation in a timely manner, the failure to pay shall be considered a breach and the Sponsor may exercise any rights and remedies it has at law or equity.

The State shall reimburse or credit the Sponsor, at the financial closure of the project, any excess funds provided by the Sponsor which exceed Sponsor's share (Amount C).

4. The Sponsor specifically agrees that it shall pay any project costs which exceed the amount of financial participation agreed to by the State. It is further agreed that the Sponsor will reimburse the State for any payment or payments made by the State which are in excess of the percentage of financial assistance (Amount B) as stated in Paragraph II-1.

5. Scope of Services may be accomplished by State contracts or through local contracts of the Sponsor as determined appropriate by the State. All locally contracted work must be approved by the State for scope and reasonable cost. Reimbursement requests for locally contracted work shall be submitted on forms provided by the State and shall include copies of the invoices for materials or services. Payment shall be made for no more than 50% of allowable charges.

The State will not participate in funding for force account work conducted by the Sponsor.

6. This Grant shall terminate upon completion of the scope of services.

Part III - Sponsor Responsibilities

1. In accepting this Grant, if applicable, the Sponsor guarantees that:
 - a. it will, in the operation of the facility, comply with all applicable state and federal laws, rules, regulations, procedures, covenants and assurances required by the State in connection with this Grant; and
 - b. the Airport or navigational facility which is the subject of this Grant shall be controlled by the Sponsor for a period of at least 20 years; and
 - c. consistent with safety and security requirements, it shall make the airport or air navigational facility available to all types, kinds and classes of aeronautical use without discrimination between such types, kinds and classes and shall provide adequate public access during the period of this Grant; and
 - d. it shall not grant or permit anyone to exercise an exclusive right for the conduct of aeronautical activity on or about an airport landing area. Aeronautical activities include, but are not limited to scheduled airline flights, charter flights, flight instruction, aircraft sales, rental and repair, sale of aviation petroleum products and aerial applications. The landing area consists of runways or landing strips, taxiways, parking aprons, roads, airport lighting and navigational aids; and
 - e. through the fence access shall be reviewed and approved by the State; and
 - f. it shall not permit non-aeronautical use of airport facilities without prior approval of the State; and

- g. the Sponsor shall submit to the State annual statements of airport revenues and expenses when requested; and
- h. all fees collected for the use of the airport shall be reasonable and nondiscriminatory. The proceeds from such fees shall be used solely for the development, operation and maintenance of the airport or navigational facility; and
- i. an Airport Fund shall be established by resolution, order or ordinance in the treasury of the Sponsor, or evidence of the prior creation of an existing airport fund or properly executed copy of the resolution, order, or ordinance creating such a fund, shall be submitted to the State. The fund may be an account as part of another fund, but must be accounted for in such a manner that all revenues, expenses, retained earnings, and balances in the account are discernible from other types of moneys identified in the fund as a whole. All fees, charges, rents, and money from any source derived from airport operations must be deposited in the Airport Fund and shall not be diverted to the general revenue fund or another revenue fund of the Sponsor. All expenditures from the Airport Fund shall be solely for airport purposes. Sponsor shall be ineligible for a subsequent grant or loan by the State unless, prior to such subsequent grant or loan, Sponsor has complied with the requirements of this subparagraph; and
- j. the Sponsor shall operate runway lighting at least at low intensity from sunset to sunrise; and
- k. insofar as it is reasonable and within its power, Sponsor shall adopt and enforce zoning regulations to restrict the height of structures and use of land adjacent to or in the immediate vicinity of the airport to heights and activities compatible with normal airport operations as provided in Tex. Loc. Govt. Code Ann. Sections 241.001 et seq. (Vernon and Vernon Supp.). Sponsor shall also acquire and retain aviation easements or other property interests in or rights to use of land or airspace, unless sponsor can show that acquisition and retention of such interest will be impractical or will result in undue hardship to Sponsor. Sponsor shall be ineligible for a subsequent grant or loan by the State unless Sponsor has, prior to subsequent approval of a grant or loan, adopted and passed an airport hazard zoning ordinance or order approved by the State.
- l. mowing services will not be eligible for state financial assistance. Sponsor will be responsible for 100% of any mowing services.

2. The Sponsor, to the extent of its legal authority to do so, shall save harmless the State, the State's agents, employees or contractors from all claims and liability due to activities of the Sponsor, the Sponsor's agents or employees performed under this agreement. The Sponsor, to the extent of its legal authority to do so, shall also save harmless the State, the State's agents, employees or contractors from any and all expenses, including attorney fees which might be incurred by the State in litigation or otherwise resisting claim or liabilities which might be imposed on the State as the result of those activities by the Sponsor, the Sponsor's agents or employees.
3. The Sponsor's acceptance of this Offer and ratification and adoption of this Grant shall be evidenced by execution of this Grant by the Sponsor. The Grant shall comprise a contract, constituting the obligations and rights of the State of Texas and the Sponsor with respect to the accomplishment of the project and the operation and maintenance of the airport.

If it becomes unreasonable or impractical to complete the project, the State may void this agreement and release the Sponsor from any further obligation of project costs.

4. Upon entering into this Grant, Sponsor agrees to name an individual, as the Sponsor's Authorized Representative, who shall be the State's contact with regard to this project. The Representative shall receive all correspondence and documents associated with this grant and shall make or shall acquire approvals and disapprovals for this grant as required on behalf of the Sponsor, and coordinate schedule for work items as required.
5. By the acceptance of grant funds for the maintenance of eligible airport buildings, the Sponsor certifies that the buildings are owned by the Sponsor. The buildings may be leased but if the lease agreement specifies that the lessee is responsible for the upkeep and repairs of the building no state funds shall be used for that purpose.
6. Sponsor shall request reimbursement of eligible project costs on forms provided by the State. All reimbursement requests are required to include a copy of the invoices for the materials or services. The reimbursement request will be submitted no more than once a month.
7. The Sponsor's acceptance of this Agreement shall comprise a Grant Agreement, as provided by the Transportation Code, Chapter 21, constituting the contractual obligations and rights of the State of Texas and the Sponsor with respect to the accomplishment of the airport maintenance and compliance with the assurances and conditions as provided. Such Grant Agreement shall become effective upon the State's written Notice to Proceed issued following execution of this agreement.

Part IV - Nomination of the Agent

1. The Sponsor designates the State as the party to receive and disburse all funds used, or to be used, in payment of the costs of the project, or in reimbursement to either of the parties for costs incurred.
2. The State shall, for all purposes in connection with the project identified above, be the Agent of the Sponsor. The Sponsor grants the State a power of attorney to act as its agent to perform the following services:
 - a. accept, receive, and deposit with the State any and all project funds granted, allowed, and paid or made available by the Sponsor, the State of Texas, or any other entity;
 - b. enter into contracts as necessary for execution of scope of services;
 - c. if State enters into a contract as Agent: exercise supervision and direction of the project work as the State reasonably finds appropriate. Where there is an irreconcilable conflict or difference of opinion, judgment, order or direction between the State and the Sponsor or any service provider, the State shall issue a written order which shall prevail and be controlling;
 - d. receive, review, approve and pay invoices and payment requests for services and materials supplied in accordance with the State approved contracts;
 - e. obtain an audit as may be required by state regulations; the State Auditor may conduct an audit or investigation of any entity receiving funds from TxDOT directly under this contract or indirectly through a subcontract under this contract. Acceptance of funds directly under this contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the State Auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.
 - f. reimburse sponsor for approved contract maintenance costs no more than once a month.

Part V - Recitals

1. This Grant is executed for the sole benefit of the contracting parties and is not intended or executed for the direct or incidental benefit of any third party.
2. It is the intent of this grant to not supplant local funds normally utilized for airport maintenance, and that any state financial assistance offered under this grant be in addition to those local funds normally dedicated for airport maintenance.

3. This Grant is subject to the applicable provisions of the Transportation Code, Chapters 21 and 22, and the Airport Zoning Act, Tex. Loc. Govt. Code Ann. Sections 241.001 et seq. (Vernon and Vernon Supp.). Failure to comply with the terms of this Grant or with the rules and statutes shall be considered a breach of this contract and will allow the State to pursue the remedies for breach as stated below.
 - a. Of primary importance to the State is compliance with the terms and conditions of this Grant. If, however, after all reasonable attempts to require compliance have failed, the State finds that the Sponsor is unwilling and/or unable to comply with any of the terms of this Grant, the State, may pursue any of the following remedies: (1) require a refund of any financial assistance money expended pursuant to this Grant, (2) deny Sponsor's future requests for aid, (3) request the Attorney General to bring suit seeking reimbursement of any financial assistance money expended on the project pursuant to this Grant, provided however, these remedies shall not limit the State's authority to enforce its rules, regulations or orders as otherwise provided by law, (4) declare this Grant null and void, or (5) any other remedy available at law or in equity.
 - b. Venue for resolution by a court of competent jurisdiction of any dispute arising under the terms of this Grant, or for enforcement of any of the provisions of this Grant, is specifically set by Grant of the parties in Travis County, Texas.
4. The State reserves the right to amend or withdraw this Grant at any time prior to acceptance by the Sponsor. The acceptance period cannot be greater than 30 days after issuance unless extended by the State.
5. This Grant constitutes the full and total understanding of the parties concerning their rights and responsibilities in regard to this project and shall not be modified, amended, rescinded or revoked unless such modification, amendment, rescission or revocation is agreed to by both parties in writing and executed by both parties.
6. All commitments by the Sponsor and the State are subject to constitutional and statutory limitations and restrictions binding upon the Sponsor and the State (including Sections 5 and 7 of Article 11 of the Texas Constitution, if applicable) and to the availability of funds which lawfully may be applied.

Part VI - Acceptances

Sponsor

The City of Lamesa, Texas and The County of Dawson, Texas, do ratify and adopt all statements, representations, warranties, covenants, agreements, and all terms and conditions of this Grant.

The City of Lamesa, Texas

The County of Dawson, Texas

Sponsor

Sponsor

Sponsor Signature

Sponsor Signature

Sponsor Title

Sponsor Title

Date

Date

Acceptance of the State

Executed by and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs and grants heretofore approved and authorized by the Texas Transportation Commission.

STATE OF TEXAS

TEXAS DEPARTMENT OF TRANSPORTATION

Signature

Title

Date

Attachment A

Scope of Services
TxDOT Project ID: M2105LAME

Eligible Scope Item	Estimated Costs Amount A	State Share Amount B	Sponsor Share Amount C
GENERAL MAINTENANCE	\$100,000.00	\$50,000.00	\$50,000.00
TOTAL	\$100,000.00	\$50,000.00	\$50,000.00

Sponsor Signature

Sponsor Title

Date

GENERAL MAINTENANCE: As needed, Sponsor may contract for services / purchase materials for routine maintenance / improvement of airport pavements, signage, drainage, AWOS systems, approach aids, lighting systems, utility infrastructure, fencing, herbicide / application, sponsor owned and operated fuel systems, hangars, terminal buildings and security systems; professional services for environmental compliance, approved project design. Special projects to be determined and added by amendment.

Only work items as described in Attachment A, Scope of Services of this Grant are reimbursable under this grant.

CERTIFICATION OF AIRPORT FUND

TxDOT Project ID:

M2105LAME

The City of Lamesa, Texas and The County of Dawson, Texas, do certify that an Airport Fund has been established for the Sponsor, and that all fees, charges, rents, and money from any source derived from airport operations will be deposited for the benefit of the Airport Fund and will not be diverted for other general revenue fund expenditures or any other special fund of the Sponsor and that all expenditures from the Fund will be solely for airport purposes. The fund may be an account as part of another fund, but must be accounted for in such a manner that all revenues, expenses, retained earnings, and balances in the account are discernible from other types of moneys identified in the fund as a whole.

Sponsor Signature

Sponsor Title

Date

Certification of State Single Audit Requirements

I, _____, do certify that the City of Lamesa, Texas and The County of Dawson, Texas, will comply with all requirements of the State of Texas Single Audit Act if the City of Lamesa, Texas and The County of Dawson, Texas, spends or receives more than the threshold amount in any grant funding sources during the most recently audited fiscal year. And in following those requirements, the City of Lamesa, Texas and The County of Dawson, Texas, will submit the report to the audit division of the Texas Department of Transportation. If your entity did not meet the threshold in grant receivables or expenditures, please submit a letter indicating that your entity is not required to have a State Single Audit performed for the most recent audited fiscal year.

Sponsor Signature

Sponsor Title

Date

DESIGNATION OF SPONSOR'S AUTHORIZED REPRESENTATIVE

TxDOT Project ID: M2105LAME

The City of Lamesa, Texas and The County of Dawson, Texas, designates,

John Farris, Manager _____ as the Sponsor's authorized

(Name, Title)

representative, who shall receive all correspondence and documents associated with this grant and who shall make or shall acquire approvals and disapprovals for this grant as required on behalf of the Sponsor.

Sponsor Signature

Sponsor Title

Date

DESIGNATED REPRESENTATIVE

John Farris _____

First Name, Last Name

Manager _____

Title

PO Box 259 _____

Lamesa TX 79331 _____

Address

8067597747 _____

Phone Number

airport2f5@yahoo.com _____

Email Address

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: SEPTEMBER 8, 2020

AGENDA ITEM: 23

SUBJECT: CITY MANAGER REPORT
SUBMITTED BY: City Manager

SUMMARY STATEMENT

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

COUNCIL ACTION

No City Council action required.

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: SEPTEMBER 8, 2020

AGENDA ITEM: 24

SUBJECT: MAYOR'S REPORT
SUBMITTED BY: Mayor

SUMMARY STATEMENT

Mayor to report on future goals and events.

COUNCIL ACTION

No City Council action required.

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: SEPTEMBER 8, 2020

AGENDA ITEM: 25

ADJOURNMENT: Announcement by the Mayor - "The next regularly scheduled meeting of the City Council of the City of Lamesa will be **October 20, 2020** at 5:30 P.M."