



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, AUGUST 22, 2023, 601 SOUTH FIRST STREET, FOR THE PURPOSE OF CONSIDERING AND TAKING OFFICIAL ACTION ON THE FOLLOWING ITEMS:

1. **CALL TO ORDER:**
2. **INVOCATION:**
3. **RENEWAL OF ATMOS FRANCHISE AGREEMENT:** City Council to consider approving an Ordinance on second reading for the renewal of the Atmos Franchise Agreement and authorizing the Mayor to execute all necessary documents. *(City Manager)*
4. **BUDGET AMENDMENT VI:** City Council to consider amending Ordinance O-18-22 on second reading with respect to the budget for the fiscal year beginning October 1, 2022, and ending September 30, 2023. *(This budget amendment is for recognizing the reimbursement of \$40,000.00 from LEAP to the Inspection Dept. for demolition of sub-standard structures.) (City Manager & Finance Director)*
5. **BUDGET AMENDMENT VII:** City Council to consider amending Ordinance O-18-22 on first reading with respect to the budget for the fiscal year beginning October 1, 2022, and ending September 30, 2023. *(This budget amendment is for Lamesa PD Vehicle Maintenance repairs and equipment \$34,305.90.) (City Manager & Finance Director)*
6. **LEDC/LEAP FY 2023/2024 BUDGET PRESENTATION AND ADOPTION:** City Council to hear presentation regarding the LEDC/LEAP FY 2023/2024 proposed budget and consider adoption of proposed budget. *(EDC Director)*
7. **FISCAL YEAR OCTOBER 2023-2024 BUDGET - ADOPTION:** Consider passing an ordinance on second 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, 2023, and ending September 30, 2024, 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 MORE TOTAL PROPERTY TAXES THAN LAST YEAR'S BUDGET BY \$69,085 OR 2.75% AND OF THAT AMOUNT, \$121 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR

8. RATIFY THE PROPERTY TAX INCREASE REFLECTED IN THE FISCAL YEAR 2023-2024 BUDGET: Consider ratifying the property tax increase reflected in the Fiscal Year 2023-204 budget that raises more property taxes than the Fiscal Year 2022-2023 budget. *(City Manager)*

THIS BUDGET WILL RAISE MORE TOTAL PROPERTY TAXES THAN LAST YEAR'S BUDGET BY \$69,085 OR 2.75% AND OF THAT AMOUNT, \$121 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR

9. AD VALOREM TAX RATE – 2023 (DEBT SERVICE TAX RATE): Consider establishing an ad valorem tax rate for Fiscal Year 2023-2024 by passing an ordinance on first reading with record vote in accordance with State Law (Property Tax Code, Section 26.05) 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, 2023, and ending September 30, 2024. *(City Manager)*

10. AD VALOREM TAX RATE – 2023 (MAINTENANCE AND OPERATION TAX RATE): Consider establishing an ad valorem tax rate for Fiscal Year 2023-2024 by passing an ordinance on first reading with record vote in accordance with State Law (Property Tax Code, Section 26.05) establishing the ad valorem tax rate which will raise the amount of revenue needed to fund Maintenance and Operation expenditures at a rate of \$0.745187 for Fiscal Year beginning October 1, 2023, and ending September 30, 2024. *(City Manager)*

11. AD VALOREM TAX RATE – 2023: Consider establishing an ad valorem tax rate for Fiscal Year 2023-2024 by passing an ordinance on first reading with record vote the ad valorem tax rate of \$0.745187 per hundred dollar assessed valuation for the Fiscal Year beginning October 1, 2023, and ending September 30, 2024, and adopting the provisions of Section 31.05 of the State Property Tax Code to provide for discounts under certain conditions. *(City Manager)*

City of Lamesa ADOPTED A TAX RATE THAT WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

THE TAX RATE WILL EFFECTIVELY BE RAISED BY 2.74 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$-53.88. {Section 26.05(b)1(A&B) OF THE PROPERTY TAX CODE}.

12.OPEN AND AWARD BID ON SCADA IMPROVEMENTS AND SUPPORT SERVICES: City Council to consider awarding the bid for the Scada Improvements and Services (*City Manager*)

13.PUBLIC HEARING ON FOR A SPECIFIC USE PERMIT: Public hearing regarding a Specific Use Permit for the following property: Section 6 Block 35, T-5-N, T. & P. in the City of Lamesa, Dawson County, Texas located at 702 N Main Avenue Lamesa, Texas 79331 for a manufactured home as their primary residence. (*Building Official*)

14.REQUEST FOR A SPECIFIC USE PERMIT: City Council to consider approving an Ordinance on first reading approving a specific use permit for the following property: located at 702 N Main Avenue Lamesa, Texas 79331 for a manufactured home as their primary residence Lamesa, Texas 79331. (*Building Official*)

15.EXECUTIVE SESSION: Council to consider convening into closed executive session regarding:
Section 551.087 Texas Government Code: Deliberation regarding Economic Development negotiations.
Section 551.0726 Texas Government Code: Contracts being negotiated.

16.DJOURNMENT: *The next regularly scheduled meetings of the City Council of the City of Lamesa will be August 24, 2023 at 5:30 P.M*




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. August 18th 2023, in accordance with Chapter 551.041 of the Government Code.

Betty Conde, City Secretary

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: AUGUST 22, 2023

AGENDA ITEMS: 1 & 2

1. **CALL TO ORDER:** *Announcement* - "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
VACANT	Council Member – District 1
FRED VERA	Council Member – District 2
GLORIA V RODRIGUEZ	Council Member – District 3
DANNY JACOBS	Council Member – District 4/MAYOR PRO-TEM
BOBBY G. GONZALES	Council Member – District 5
RUDY SAUSED JR	Council Member – District 6

City Staff members present at the meeting:

JOE HINES	City Manager
BETTY CONDE	City Secretary
RUSSELL CASSELBERRY	Attorney

Members of the press present at the meeting:

Members of the public present at the meeting:

AND PLEDGE OF ALLEGIANCE.



City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: AUGUST 22, 2023

AGENDA ITEM: 3

SUBJECT: **RENEWAL OF ATMOS FRANCHISE AGREEMENT**
PROCEEDING: Agreement
SUBMITTED BY: City Staff

SUMMARY STATEMENT

City Council to consider approving an Ordinance on second reading for the renewal of the Atmos Franchise Agreement and authorizing the Mayor to execute all necessary documents. (*City Manager*)

COUNCIL ACTION

DISCUSSION _____

Motion by Council Member to approve an Ordinance on second reading for the renewal of the Atmos Franchise Agreement and authorizing the Mayor to execute all necessary documents. 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. _____

ORDINANCE OF THE CITY OF LAMESA, TEXAS, GRANTING TO ATMOS ENERGY CORPORATION (A TEXAS AND VIRGINIA CORPORATION, WITH ITS PRINCIPAL OFFICE IN THE CITY OF DALLAS, DALLAS COUNTY, TEXAS) THE FRANCHISE AND RIGHTS TO CONDUCT IN SUCH CITY THE BUSINESS OF ACQUIRING, MAINTAINING, CONSTRUCTING, LAYING, REPAIRING, REMOVING, REPLACING, INSTALLING, OPERATING, AND DISPOSING OF A GAS SYSTEM FOR THE SALE, TRANSPORTATION, AND DISTRIBUTION OF NATURAL GAS WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY AND TO THE RESIDENTS AND BUSINESSES LOCATED THEREIN FOR LIGHT, HEAT, POWER, AND ANY OTHER PURPOSES AND THE RIGHT TO USE THE PRESENT AND FUTURE STREETS, ROADS, HIGHWAYS, ALLEYS, PUBLIC WAYS, AND REAL PROPERTY IN SUCH CITY AND OWNED OR CONTROLLED BY SUCH CITY FOR SUCH PURPOSES; PRESCRIBING THE TERMS AND CONDITIONS TO WHICH SUCH FRANCHISE AND RIGHTS ARE SUBJECT; AND PRESCRIBING THE TERM OF SUCH FRANCHISE AND RIGHTS.

BE IT HEREBY ORDAINED by the CITY of LAMESA, TEXAS (hereinafter referred to as the "City") that, subject to the terms and conditions hereinafter set forth, ATMOS ENERGY CORPORATION, a Texas and Virginia corporation with its principal office in the City of Dallas, Dallas County, Texas (hereinafter referred to as "Atmos"), be, and hereby is, granted the non-exclusive franchise and rights to conduct in the City the business of acquiring (by purchase, lease, or otherwise), maintaining, constructing, laying, repairing, removing, replacing, installing, operating, and disposing of (by sale, lease, or otherwise) a gas system, as hereinafter defined, for the sale, transportation, and distribution of natural gas within the municipal boundaries of the City and to the residents and businesses located therein for light, heat, power, and any other purpose during the term set forth below. Such franchise and rights shall include, but not be limited to, the right to use the present and future streets, roads, highways, alleys, public ways, and other real property owned by or under the control of the City for purposes of maintaining, constructing, laying, repairing, removing, replacing, installing, and operating any and all components of the gas system, together with access, at all times and from time to time, to such streets, roads, highways, alleys, public ways, and other real property during the term hereof.

ARTICLE I
DEFINITIONS

For purposes of this Ordinance, the following terms shall have the meanings set forth below:

Section 1.1. Gas System. The term "gas system" shall mean any and all pipelines, as hereinafter defined, meters, valves, compressors, anti-corrosion items, facilities, structures, machinery, equipment, and appurtenances of any kind that Atmos, in its sole discretion, may deem necessary or advisable for the exercise of the franchise and rights granted to Atmos herein.

Section 1.2. Pipelines. The term "pipelines" shall mean any and all above-ground and below-ground pipes, including, but not limited to, mains, distribution lines, secondary lines, laterals, and other pipes, that have been, are being, or are intended to be used at any time in, or in connection with, the sale, transportation, or distribution of natural gas within the City.

ARTICLE II
TERM

Section 2.1. Term. Unless earlier terminated in accordance with the terms and provisions hereof, the term of the franchise and rights hereby granted to Atmos shall be for a period of five (5) years, commencing on the effective date hereof as defined in Section 7.6 below.

ARTICLE III
ACKNOWLEDGMENT AND GRANT
OF SPECIFIC RIGHTS OF ATMOS

In addition to the franchise and rights granted herein to Atmos, the City acknowledges that Atmos has, and hereby grants to Atmos, the following rights and powers:

Section 3.1. Right to Contract. Atmos may enter into separate gas service contracts with industrial or other consumers in the City whose average consumption of gas generally is substantially in excess of the average consumption by residential or commercial consumers or whose service requirements generally are substantially different from the average service requirements of residential or commercial consumers. Such contracts may provide for rates different from the rates applicable to such residential and commercial consumers.

Section 3.2. Discontinuance of Service. Atmos may discontinue service to any residential or commercial consumer for any lawful reason, including, but not limited to, such consumer's failure to pay, when due, any indebtedness owed by such consumer to Atmos.

Section 3.3. Reconnection Charges. In addition to any and all other proper charges, Atmos may charge and collect from any residential or commercial consumer whose service has been discontinued by Atmos a reasonable reconnection or similar charge for recommencing service to such consumer.

Section 3.4. Adoption of Rules. From time to time during the term hereof, Atmos may, subject to any and all valid and applicable statutes, ordinances, rules, and regulations of any federal or state governmental authority or agency, make and enforce reasonable rules pertaining to Atmos' business and operations, including, but not limited to, requiring any residential or commercial consumer to execute and deliver a written contract or amendment to an existing written contract prior, and as a condition, to the initial commencement, recommencement, or continuation of service to such consumer.

Section 3.5. Removal of Gas System. Atmos may remove all or any portion of the gas system upon the termination by the City, pursuant to Article VI of this Ordinance, of the franchise and rights granted hereby.

Section 3.6. Consumer Preferences. Atmos may give preference to residential consumers over other consumers during periods in which the total volume of gas available for distribution to and within the City is insufficient, for any reason whatsoever, to adequately supply all residential and commercial consumers.

ARTICLE IV

OBLIGATIONS OF ATMOS

Section 4.1. Franchise Fee.

(a) As consideration for the grant of the franchise and rights herein and for the use by Atmos of the streets, roads, highways, alleys, public ways, and other real property owned or controlled by the City, Atmos shall pay to the City, within thirty (30) days after the end of each calendar quarter, a franchise fee equal to Four percent (4%) of Atmos' gross receipts derived from the sale, transportation, and distribution by Atmos of natural gas within the City limits during the preceding calendar quarter. Additionally, Atmos shall pay to the City, within thirty (30) days after the end of each calendar quarter, a franchise fee equal to four percent (4%) of the value of gas transported by Atmos Energy for transport customers through the Gas System of Atmos to a delivery point within the City (excluding the value of any gas transported to

another gas utility in City for resale to its customers within City), with the value of such gas to be established by utilizing Atmos' monthly Weighted Average Cost of Gas charged to industrial customers in the West Texas division, as reasonably near the time as the transportation service is performed. At any time during the term of this franchise, the City may increase the franchise fee payable hereunder, subject to and in accordance with all of the following terms and conditions:

- (1) The City may increase the franchise fee only if the franchise fee, as so increased, constitutes a charge for Atmos' use of the City's streets, roads, highways, alleys, public ways, and other real property that is reasonable and lawful. Such increase must be adopted by the governing body of the City at a public hearing that is held no earlier than thirty (30) days following the delivery to Atmos by the City, in person or by certified or registered mail, of a written notice stating the reason for, and the date, time, and place of, such hearing.
 - (2) The franchise fee may not be increased pursuant to this Subsection 4.1(a) more than one time in any five-year period during the term of this franchise.
 - (3) The franchise fee may not be increased at any one time by an amount exceeding one-half of one percent (1/2 of 1%) of Atmos' gross receipts derived from the sale, transportation, and distribution by Atmos of natural gas within the municipal boundaries of the City; and the total franchise fee payable hereunder may not be increased during the term hereof to an amount exceeding the lesser of (i) five percent (5%) of such gross receipts or (ii) the percentage of gross receipts payable by any electric utility doing business within the City pursuant to a franchise granted by the City.
 - (4) In the event the franchise fee provided herein exceeds that franchise fee amount that is recovered by Atmos as part of its base rates for natural gas service charged to its customers within the City, or if the franchise fee is increased in accordance with this Subsection 4.1(a), the City agrees that Atmos may immediately add a line-item surcharge to the monthly bills of Atmos' customers located within the City in an amount sufficient to recover such excess or increase.
- (b) Nothing in Subsection 4.1(a) shall preclude, or be deemed to preclude, Atmos and the City from agreeing to an increase in the franchise fee in excess of the limitations imposed in such subsection.
- (c) The franchise fee, together with any and all charges of the City for water, sewage, and garbage services provided by the City to Atmos, any and all sales taxes collected by Atmos, and any and all ad valorem taxes assessed by the City against Atmos' property, shall constitute the only amounts for which Atmos shall be obligated to pay to the City and shall be in

lieu of any and all other costs, levies, assessments, fees, or other amounts, of any kind whatsoever, that the City, currently or in the future, may charge Atmos or assess against Atmos' property.

Section 4.2. No Obstruction of Public Property. Atmos shall not, unnecessarily or for any unreasonable period of time, obstruct or interfere with the public use of any of the streets, roads, highways, alleys, public ways, or other real property owned or controlled by the City.

Section 4.3. Repair of Damages. Atmos shall repair any and all damages caused solely by Atmos to any streets, roads, highways, alleys, public ways, or other real property owned or controlled by the City and shall restore, as nearly as practicable, such property to substantially its condition immediately prior to the incident causing such damage. The City may, from time to time, adopt reasonable ordinances regulating such work.

Section 4.4. Conduct of Work and Activities. Atmos shall use reasonable care in conducting its work and activities in order to prevent injury to any person and unnecessary damage to any real or personal property. Atmos shall give advance notice to the City Manager by email and telephone at least two (2) weeks prior to the beginning of any major work activity, including, but not limited to, the testing of lines that could result in the interruption of any public or private customer's service, except in cases of emergency in which cases Atmos shall notify the City Manager as soon as reasonably possible of such emergency and any repair action necessary. Additionally, Atmos shall make all reasonable efforts to notify Atmos customers of any testing operation prior to the commencement of any testing that could result in the interruption of any public or private customer service.

Section 4.5. Use of Alleys. Atmos shall attempt to utilize the alleys of the City insofar as is reasonably practicable in conducting its work and activities hereunder. Notwithstanding the foregoing, however, Atmos may, when reasonably necessary, utilize the streets and any other public ways owned or controlled by the City to perform such work and activities.

Section 4.6. Service and Supply. Atmos shall use reasonable care to furnish good and reliable service and an adequate supply of natural gas.

Section 4.7. Installation of Underground Pipelines. Atmos shall, when reasonably practicable, install all pipelines under-ground at such depth and in such manner so as not to interfere with the existing pavement, curbs, gutters, or underground wires, cables, or water or sewer pipes owned or controlled by the City.

Section 4.8. No Discrimination Between Consumers. Subject to Atmos' rights set forth in Article III of this Ordinance, Atmos shall not discriminate against any consumer with

respect to charges for natural gas or services rendered under substantially the same circumstances to other consumers of the same classification.

Section 4.9. Changes in Gas System.

(a) Atmos shall, upon written request from the City, change the location, position, route, or depth of any pipeline or other component of the gas system if and when such change becomes reasonably necessary because of a change in the grade of any street, road, highway, alley, public way, or other real property owned or controlled by the City or because of any change in the location of, or in the manner of maintaining, constructing, laying, repairing, removing, replacing, installing, or operating any pavement, curbs, gutters, or underground wires, cables, or water or sewer pipes owned or controlled by the City. The City's written request for such change must set forth, in detail, all of the essential elements and specifications of the requested change.

(b) Atmos may seek payment from any governmental entity or agency, person, or party of any amount to which Atmos may be entitled because of such change in location, position, route, or depth or because of the abandonment of any pipeline or other component of the gas system regardless of whether such pipeline or component is wholly or partially located in any public or private way or right-of-way.

Section 4.10. Service to New Areas. If during the term of this franchise the boundaries of the Town are expanded, the Town will promptly notify Atmos in writing of any geographic areas annexed by the Town during the term hereof ("Annexation Notice"). Any such Annexation Notice shall be sent to Atmos by certified mail, return receipt requested, and shall contain the effective date of the annexation, maps showing the annexed area and such other information as Atmos may reasonably require in ascertaining whether there exist any customers of Atmos receiving natural gas service in said annexed area. To the extent there are such Atmos customers therein, then the gross revenues of Atmos derived from the sale and distribution of natural gas to such customers shall become subject to the franchise fee provisions hereof effective on the first day of Atmos' billing cycle immediately following Atmos' receipt of the Annexation Notice. The failure by the Town to advise Atmos in writing through proper Annexation Notice of any geographic areas which are annexed by the Town shall relieve Atmos from any obligation to remit any franchise fees to Town based upon gross revenues derived by Atmos from the sale and distribution of natural gas to customers within the annexed area until Town delivers an Annexation Notice to Atmos in accordance with the terms hereof.

Section 4.11. Schedule of Rates. Atmos shall, at all times, keep on file with the City a schedule setting forth current residential and commercial rates for natural gas and services

rendered to customers within the City. Nothing contained in this Ordinance, however, shall adversely affect Atmos' right to apply for an increase in all or any of its rates at any time and from time to time during the term hereof and to a lawful and equitable decision with respect to any such application.

Section 4.12. Rebates. Atmos shall not grant, directly or indirectly, any rebate, in the form of money or any other thing of value, to any consumer in order to circumvent the rate schedule filed with the City pursuant to Section 4.10 of this Article IV.

Section 4.13. Maps of Gas System. Atmos shall have available a map or maps showing the current location of all pipelines and other components of Atmos' natural gas distribution facilities located in the City.

Section 4.14. Bond for Removal of Gas System. Atmos shall, upon electing to remove all or any portion of the gas system in accordance with Section 3.5 of Article III of this Ordinance, file with the Secretary of the City a bond in a reasonable amount and with a proper and adequate surety, securing Atmos' obligation to promptly repair, at Atmos' sole expense, any damage to any real property owned or controlled by the City caused by Atmos' removal of all or any portion of the gas system and to restore such property to substantially the same condition it was in immediately prior to the incident causing such damage.

ARTICLE V

RIGHTS OF THE CITY

Section 5.1. Use of City Property. The right of Atmos hereunder to use any streets, roads, highways, alleys, public ways, and other real property owned or controlled by the City shall in no way affect the right of the City or its agents to maintain, construct, lay, repair, remove, replace, install, or operate any pavement, curbs, gutters, or underground wires, cables, or water or sewer pipes owned by the City and located on or near such streets, roads, highways, alleys, public ways, and other real property.

Section 5.2. Inspection of Books and Records. The City may, at its sole expense and, upon reasonable prior notice, at any reasonable time during normal business hours, inspect and copy any of Atmos' books and records, wherever located, pertaining to and directly affecting the rights of the City arising under or by virtue of this Ordinance.

ARTICLE VI

REMEDIES UPON DEFAULT BY ATMOS

Section 6.1. Termination of Franchise and Rights. In the event of a substantial breach by Atmos of any material provision of this Ordinance, the City may terminate the franchise and rights granted to Atmos hereunder, provided, however, that such termination shall not be effective unless and until the procedures described below have been followed:

(a) The City must deliver to Atmos, by certified or registered mail, a written notice signed by the Mayor, attested by the Secretary, and sealed with the official seal of the City. Such notice must (i) fairly and fully set forth in detail each of the alleged acts or omissions of Atmos that the City contends constitutes a substantial breach of any material provision hereof, (ii) designate which of the terms and conditions hereof the City contends Atmos breached, and (iii) specify the date, time, and place at which a public hearing will be held by the governing body of the City for the purpose of determining whether the allegations contained in the notice did in fact occur, provided, however, that the date of such hearing may not be less than thirty (30) days after the date of such notice.

(b) Within ten (10) days following the adjournment of the public hearing described in Subsection 6.1(a) above, the City must deliver to Atmos, by certified or registered mail, a written notice signed by the Mayor, attested by the Secretary, and sealed with the official seal of the City, setting forth (i) the acts and omissions of Atmos described in the first notice that the governing body of the City determines to have in fact occurred and (ii) the specific terms and conditions of this Ordinance listed in the first notice that the governing body of the City determines to have in fact been breached by such acts or omissions of Atmos.

(c) The City must permit Atmos the opportunity to substantially correct all of the breaches hereof set forth in the written notice described in Subsection 6.1(b) above within sixty (60) days after Atmos' receipt of such notice.

ARTICLE VII

GENERAL PROVISIONS

Section 7.1. Force Majeure. Notwithstanding anything expressly or impliedly to the contrary contained herein, in the event Atmos is prevented, wholly or partially, from complying with any obligation or undertaking contained herein by reason of any event of force majeure, then, while so prevented, compliance with such obligations or undertakings shall be suspended, and the time during which Atmos is so prevented shall not be counted against Atmos for any reason. The term "force majeure", as used herein, shall mean any cause not reasonably within Atmos' control and includes, but is not limited to, acts of God, strikes, lock-outs, wars, terrorism, riots, orders or decrees of any lawfully constituted federal, state, or local body, contagions or

contaminations hazardous to human life or health, fires, storms, floods, wash-outs, explosions, breakages or accidents to machinery or lines of pipe, inability to obtain or the delay in obtaining rights-of-way, materials, supplies, or labor permits, temporary failures of gas supply, or necessary repair, maintenance, or replacement of facilities used in the performance of the obligations contained in this Ordinance.

Section 7.2. Other Ordinances. Except to the extent otherwise expressly provided herein, the franchise and rights granted hereby and the operations and activities performed by Atmos pursuant hereto shall be subject to all valid ordinances and regulations of the City and any valid amendments thereto insofar as, and only insofar as, such ordinances and regulations (i) do not shorten the term hereof or terminate, abrogate, or materially and adversely affect the franchise and rights granted to Atmos hereby or (ii) do not conflict with or are not inconsistent with the terms and provisions contained in this Ordinance, such conflicting or inconsistent ordinances hereby being repealed to the extent of such conflict or inconsistency.

Section 7.3. Amendments. This Ordinance and the franchise and rights granted herein may be amended only by written agreement of the City and Atmos to such amendment.

Section 7.4. Severability. In the event any part of this Ordinance is determined to be invalid or illegal for any reason whatsoever, such invalidity or illegality shall not affect the validity or legality of this Ordinance as a whole or of any part hereof.

Section 7.5. Binding Effect. This Ordinance shall extend to, be binding upon, and inure to the benefit of, the parties hereto and their respective successors and assigns.

Section 7.6. Effective Date. This Ordinance shall become effective on the date on which this Ordinance is finally adopted by the City in accordance with law, and Atmos shall file with the Secretary of the City a letter stating that Atmos accepts this Ordinance as adopted and agrees to comply with and be bound by all of the terms and conditions hereof. A true and correct copy of this Ordinance as finally adopted shall be attached to such letter and by reference made a part thereof, and the letter shall be addressed to the Mayor and the governing body of the City, dated, and executed by an authorized officer of Atmos. Upon this Ordinance becoming effective, this Ordinance shall supersede any and all prior ordinances of the City, including but not limited to Ordinance No. _____, regarding the subject matter of this Ordinance.

Section 7.7. Section and Other Headings. The section and other headings contained in this Ordinance are for reference purposes only and shall not affect in any way the meaning or interpretation of this Ordinance.

Read and passed by the City Council of the City of Lamesa, Texas, with a quorum of such Councilmembers duly and lawfully assembled and voting, on the first (1st) reading, on the 15th day of August, 2023.

ATTEST:

CITY OF LAMESA, TEXAS

Betty Conde, City Secretary

By: _____
Josh Stevens, Mayor

Read and passed by the City Council of the City of Lamesa, Texas with a quorum of such Councilmen duly and lawfully assembled and voting, on the second (2nd) and final reading, on the 22nd day of August, 2023.

ATTEST:

CITY OF LAMESA, TEXAS

Betty Conde, City Secretary

By: _____
Josh Stevens, Mayor

City's Mailing Address and Phone Number:

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: AUGUST 22, 2023

AGENDA ITEM: 4

SUBJECT: BUDGET AMENDMENT VI

PROCEEDING: Approval

SUBMITTED BY: City Staff

EXHIBITS: Ordinance, Second Reading

SUMMARY STATEMENT

The City Council to consider amending Ordinance O-18-22 on second reading with respect to the budget for the fiscal year beginning October 1, 2022, and ending September 30, 2023. *(This budget amendment is for recognizing the reimbursement of \$40,000.00 from LEAP to the Inspection Dept. for demolition of sub-standard structures.) (City Manager & Finance Director)*

COUNCIL ACTION

DISCUSSION _____

Motion by Council Member _____ to amend Ordinance O-18-22 on second reading with respect to the budget for the fiscal year beginning October 1, 2022 and ending September 30, 2023. 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. 0-18-22 TO APPROPRIATE FUNDS IN THE CITY
OF LAMESA BUDGET FOR FISCAL YEAR 2022-2023.**

On the 15th day August, 2023, 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. 0-18-22 to make certain revisions to the 2022-2023 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 2022-2023 Budget contained in Ordinance No. 0-18-22 be, and same is hereby, amended to change the amount appropriated by the following:

	<u>Revenues</u>	<u>Expenditures</u>
General Fund (01)	\$40,000.00	\$40,000.00

SECTION 2. Effective date: That this Ordinance shall become effective as of this August 17, 2023.

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 August 15, 2023, by a majority vote; and on August 17, 2023, 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 – 2023- 6 FOR FY 2022/2023
General Fund (1)

This budget amendment is for recognizing the reimbursement of \$40,000.00 from LEAP to the Inspections Dept. for residential demolition of sub-standard structures.

Increase Revenues (01-40904) Miscellaneous Revenues	\$40,000.00
Increase Expenditures (01-05081603) Special Services	\$40,000.00

MEMO

**CITY OF LAMESA
601 S. 1ST
LAMESA, TEXAS**

To: Betty Conde
From: Wayne Chapman
CC:
Date: 07/27/2023

Re: Budget Amendment

COMMENTS:

Please include in the August meeting a budget amendment recognizing the reimbursement of \$40,000.00 from LEAP to Inspections Dept. for residential demolition of sub-standard structures.

Miscellaneous Revenues	01-40904
Special Services	01-5081603.

Wayne Chapman

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: AUGUST 22, 2023

AGENDA ITEM: 5

SUBJECT: BUDGET AMENDMENT VII

PROCEEDING: Approval
SUBMITTED BY: City Staff
EXHIBITS: Ordinance, First Reading

SUMMARY STATEMENT

The City Council to consider amending Ordinance O-18-22 on first reading with respect to the budget for the fiscal year beginning October 1, 2022, and ending September 30, 2023. *(This budget amendment is for \$34,305.90 to repair Units 1901 (water pump- \$405.02), 1904 (rear axle & numerous other repairs - \$9,511.88), 1701 (transmission pump & transmission - \$5,681.50), & 1903 (radiator, & fuel pump issues- \$8,000.00) Also, the amendment will cover the costs of installing lights and sirens on Units 2301 & 2302 (\$5,353.75 each))*

COUNCIL ACTION

DISCUSSION _____

Motion by Council Member _____ to amend Ordinance O-18-22 on first reading with respect to the budget for the fiscal year beginning October 1, 2022 and ending September 30, 2023. 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. 0-18-22 TO APPROPRIATE FUNDS IN THE CITY
OF LAMESA BUDGET FOR FISCAL YEAR 2022-2023.**

On the 22nd day August 2023, 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. 0-18-22 to make certain revisions to the 2022-2023 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 2022-2023 Budget contained in Ordinance No. 0-18-22 be, and same is hereby, amended to change the amount appropriated by the following:

	Expenditures
General Fund (01)	\$34,305.90

SECTION 2. Effective date: That this Ordinance shall become effective as of this August 24, 2023.

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 August 22, 2023, by a majority vote; and on August 24, 2023, 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

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

Date: August 18, 2023
To: Betty Conde
Thru: Finance Department
From: Wayne Chapman, Finance Director

Subject: Budget Amendment

The Police Department is requesting a budget amendment for \$34,305.90 to repair Units 1901 (water pump - \$405.02), 1904 (rear axle & numerous other repairs - \$9,511.88), 1701 (transmission pump & transmission - \$5,681.50), & 1903 (radiator, & fuel pump issues - \$8,000.00). Also, the amendment will cover the costs of installing lights and sirens on Units 2301 & 2302 (\$5,353.75 each).

Fund Balance (01-3001)
Motor Vehicles (01-5063954)

Sincerely,

A handwritten signature in cursive script that reads "Wayne Chapman".

Wayne Chapman
Director of Finance

CITY OF LAMESA
BUDGET AMENDMENT – 2023- 7 FOR FY 2022/2023
General Fund (1)

This budget amendment is for \$34,305.90 to repair Units 1901 (water pump-\$405.02), 1904 (rear axle & numerous other repairs - \$9,511.88), 1701 (transmission pump & transmission - \$5,681.50), & 1903 (radiator, & fuel pump issues- \$8,000.00) Also, the amendment will cover the costs of installing lights and sirens on Units 2301 & 2302 (\$5,353.75 each)

(01-3001) Fund Balance	\$34,305.90
Increase Expenditures (01-5063954) Motor Vehicles	\$34,305.90

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: AUGUST 22, 2023

AGENDA ITEM: 6

SUBJECT: LEDC/LEAP FY 2023/2024 BUDGET PRESENTATION AND ADOPTION
PROCEEDING: LEDC & LEAP Budget Approval for FY 2023-2024
SUBMITTED BY: City Staff

SUMMARY STATEMENT

City Council to hear presentation regarding the LEDC/LEAP FY 2023/2024 proposed budget and consider adoption of proposed budget.

COUNCIL ACTION

DISCUSSION: _____

Motion by Council Member _____ to approve FY 2023/2024 LEDC and LEAP annual budgets. 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: AUGUST 22, 2023

AGENDA ITEM: 7

SUBJECT: FISCAL YEAR OCTOBER 2023-2024 BUDGET - ADOPTION
PROCEEDING: Ordinance; Second reading
SUBMITTED BY: City Staff
EXHIBITS: Ordinance
AUTHORITY: State Law; Local Government Code, Chapter 102, Section 102.007

SUMMARY STATEMENT

Consider passing an ordinance on Second 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, 2023, and ending September 30, 2024, 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.

THIS BUDGET WILL RAISE MORE TOTAL PROPERTY TAXES THAN LAST YEAR'S BUDGET BY \$69,085 OR 2.75% AND OF THAT AMOUNT, \$121 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR

COUNCIL ACTION

DISCUSSION: _____

Motion by Council Member _____ to adopt on second reading the Proposed 2023-2024 Annual Budget, including the following statement (to be read aloud):

**THIS BUDGET WILL RAISE MORE TOTAL
PROPERTY TAXES THAN LAST YEAR'S BUDGET
BY \$69,085 OR 2.75% AND OF THAT AMOUNT, \$121
IS TAX REVENUE TO BE RAISED FROM NEW
PROPERTY ADDED TO THE TAX ROLL THIS YEAR**

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	_____	_____	_____
VACANT _____	_____	_____	_____
FRED VERA	_____	_____	_____
GLORIA V. RODRIGUEZ	_____	_____	_____
DANNY L JACOBS	_____	_____	_____
BOBBY G. GONZALES	_____	_____	_____
RUDY SAUSED JR	_____	_____	_____

CITY MANAGER'S MEMORANDUM

Recommend approval.

ORDINANCE NO: _____

AN ORDINANCE ADOPTING AND APPROVING A BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024 AND MAKING APPROPRIATIONS FOR EACH DEPARTMENT, PROJECT, AND ACCOUNT; APPROVING REVISED BUDGET FIGURES FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2024; PROVIDING FOR NECESSARY TRANSFERS OF FUNDS BETWEEN ACCOUNTS AND DEPARTMENTS, IF REQUIRED; AND PROVIDING A SAVINGS CLAUSE.

On the this 17nd day of August, 2023, there came on and was held at the regular called 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, a budget for the Fiscal Year beginning October 1, 2023, and ending September 30, 2024, has been prepared by the City Manager; and

WHEREAS, the City Manager, on August 1, 2023, filed a proposed budget with the City Secretary for the Fiscal Year beginning October 1, 2023; and

WHEREAS, the City Secretary did post notice that said proposed budget had been filed and was available for public inspection; and

WHEREAS, the City Council did hold a public hearing on August 17th, 2023, regarding the proposed property ad valorem tax rate at \$ 0.745187.

WHEREAS, On August 17th, 2023, the City Council held a public hearing and adopted the 2023-2024 Budget Ordinance on 1st reading for the upcoming Fiscal Year. On August 22nd, 2023, City Council will consider passing the Budget Ordinance on 2nd and final reading. It is determined the proposed budget for Fiscal Year 2023-2024 to be appropriate and correct in all respects and that all requirements of the law have been satisfied; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lamesa:

SECTION 1. Subject to the applicable provisions of the State Law and the City Charter, the budget for the Fiscal Year beginning October 1, 2023, and ending September 30, 2024, as filed and submitted by the City Manager, and adjusted by the City Council, containing estimates of resources and revenues for the year from all of the various sources provided by the city, and the projects, operations, activities and purchases proposed to be undertaken during the year, together with the estimated costs thereof, and estimated amounts of all other proposed expenditures, is hereby approved and adopted.

SECTION 2. (A) There is hereby appropriated from the funds indicated and for such purposes and other expenditures proposed in such budget, not to exceed for all

such purposes for any department, the total amount of the estimated costs of the projects, operations, activities, purchases and other expenditures proposed for such department; and

(B) The City Manager is hereby authorized to approve the transfer of allocated amounts between classifications, departments, and unappropriated surpluses if such transfers do not significantly change the work program contemplated in the approved budget.

SECTION 3. THIS BUDGET WILL RAISE MORE TOTAL PROPERTY TAXES THAN LAST YEAR'S BUDGET BY \$69,085 OR 2.75% AND OF THAT AMOUNT, \$121 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR

SECTION 4. The amounts set out under the headings "Revised or Estimated 2023-2024" shall be, and are hereby, authorized and approved as revised budget amounts for the Fiscal Year ending on September 30, 2024.

SECTION 5. Increases in rates to be amended as follows:

That Section § 1.08.006 Park fees.

(d) Fees for park rentals and deposits.

. (7) Porta-toilets.

(A) Deposit: \$50.00, rental: \$150.00, per single unit per rental.

(B) Nonprofits, churches, taxing entities and benefit events: Refundable deposit: \$25.00, rental: \$75.00 per single unit per rental.

That Section § 13.03.228 Tapping charges for installation of water meter.

(a) The following charges shall be assessed and collected from the customer for the installation of a water meter:

Type of Service Fee

Standard service: One inch (1") tap; one inch (1") poly service, 3/4 x 5/8 meter **based on labor and supplies**

Standard service with one inch (1") meter **based on labor and supplies**

Utility director will assess charges a 2" tap or greater based on labor and supplies.

(b) Services and taps two inch (2") and larger shall be charged on the actual documented costs required for installation of the meter.

(c) Said fees are exclusive of any charges pertaining to pavement cuts in streets or alleys. These charges shall, if applicable, be in addition to the tapping and meter fees at rates to be established by the city manager. October 1, 2008.

SECTION 6. The Investment Plan for the City has been reviewed and is approved for the Fiscal Year beginning October 1, 2023, and ending September 30, 2024.

SECTION 7. That should any section, paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be affected thereby.

SECTION 8. All ordinances and resolutions, or parts of ordinances and resolutions, in conflict with this Ordinance are hereby repealed, and are no longer in force or effect.

SECTION 9. This ordinance shall become effective upon adoption of its second and final reading by the City Council of the City of Lamesa, Texas and the effective date of the ordinance and all rates and appropriations contained herein shall be October 1, 2023.

Upon being put to a vote, the foregoing ordinance was Passed, on Second Reading on the 22nd day of August, 2023, by a majority vote.

ATTEST:

Betty Conde
City Secretary

APPROVED:

Josh Stevens
Mayor

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: AUGUST 22, 2023

AGENDA ITEM:8

SUBJECT: **RATIFY THE PROPERTY TAX INCREASE REFLECTED IN THE FISCAL YEAR 2023-2024 BUDGET**
PROCEEDING: Action
SUBMITTED BY: City Staff
AUTHORITY: *State Law; Local Government Code Section 102.007 (c)*

SUMMARY STATEMENT

Consider ratifying the property tax increase reflected in the Fiscal Year 2023-2024 budget that raises more property taxes than the Fiscal Year 2022-2023 budget. (*City Manager*)

COUNCIL ACTION

THIS BUDGET WILL RAISE MORE REVENUE FROM PROPERTY TAXES THAN LAST YEAR'S BUDGET BY AN AMOUNT OF \$69,085, WHICH IS A 2.75% INCREASE FROM LAST YEAR'S BUDGET. THE PROPERTY TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR IS \$121.

DISCUSSION _____

Motion by Council Member _____ to ratify the property tax increase reflected in the Fiscal Year 2023-2024 budget that raises more property tax rate than the Fiscal Year 2022-2023 budget. This year's proposed tax rate of \$0.745187 exceeds 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	_____	_____	_____
VACANT	_____	_____	_____
FRED VERA	_____	_____	_____
GLORIA V RODRIGUEZ	_____	_____	_____
DANNY L JACOBS	_____	_____	_____
BOBBY G. GONZALES	_____	_____	_____
RUDY SAUDEDA JR	_____	_____	_____

CITY MANAGER'S MEMORANDUM

Recommend approval.

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: AUGUST 22, 2023

AGENDA ITEM: 9

SUBJECT: **AD VALOREM TAX RATE – 2023 (DEBT SERVICE TAX RATE)**
PROCEEDING: Ordinance, First 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 2023-2024 by passing an ordinance on first reading with record vote in accordance with State Law (Property Tax Code, Section 26.05) 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, 2023 and ending September 30, 2024.
(City Manager)

COUNCIL ACTION

DISCUSSION _____

Motion by Council Member _____ must be stated as;

I MOVE THAT THE CITY ESTABLISH 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 DOLLARS ASSESSED VALUATION FOR FISCAL YEAR BEGINNING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024."

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	_____	_____	_____
VACANT	_____	_____	_____
FRED VERA	_____	_____	_____
GLORIA V RODRIGUEZ	_____	_____	_____
DANNY JACOBS	_____	_____	_____
BOBBY GONZALEZ	_____	_____	_____
RUDY SAUSEDA	_____	_____	_____

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 2023-2024 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 22nd day of August, 2023, 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 2023-2024 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 2023-2024 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, 2023.

Upon being put to a vote, the foregoing ordinance was Passed, on Second Reading on the 24th day of August, 2023 by a super majority vote.

ATTEST:

Betty Conde
City Secretary

APPROVED:

Josh Stevens
Mayor

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: AUGUST 22, 2023

AGENDA ITEM: 10

SUBJECT: AD VALOREM TAX RATE – 2023 (MAINTENANCE AND OPERATION TAX RATE)
PROCEEDING: Ordinance; First 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 2023-2024 by passing an ordinance on first reading with record vote (State Law, Property Tax Code, Section 26.05) establishing the ad valorem tax rate which will raise the amount of revenue needed to fund Maintenance and Operation expenditures at a rate of \$0.745187 for Fiscal Year beginning October 1, 2023, and ending September 30, 2024. (City Manager)

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

THE TAX RATE WILL EFFECTIVELY BE RAISED BY 2.74 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$-53.88. {Section 26.05(b)1(A&B) OF THE PROPERTY TAX CODE}.

COUNCIL ACTION

DISCUSSION _____

Motion by Council Member _____ must be stated as; **"I MOVE THAT THE PROPERTY TAX RATE BE INCREASED BY THE ADOPTION OF A TAX RATE \$0.745187 WHICH IS EFFECTIVELY A 2.76 PERCENT INCREASE IN THE TAX RATE.**

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

RECORD VOTE REQUIRED: VOTE BY SHOW OF HANDS

JOSH STEVENS	_____	_____	_____
VACANT	_____	_____	_____
FRED VERA	_____	_____	_____
GLORIA V RODRIGUEZ	_____	_____	_____
DAANNY L JACOBS	_____	_____	_____
BOBBY G GONZALES	_____	_____	_____
RUDY SAUSED JR	_____	_____	_____

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LAMESA, TEXAS LEVYING AD VALOREM TAXES FOR FISCAL YEAR 2023-2024 AT \$0. 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 22nd day of August, 2023, 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 2023-2024 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 2023-2024 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 \$0.745187 on each one hundred dollars (\$100.00) of assessed value of taxable property.

SECTION 2. "THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE."

SECTION 3. "THE TAX RATE WILL EFFECTIVELY BE RAISED BY 2.74 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$-53.88."

SECTION 4 The effective date of this ordinance shall be October 1, 2023.

Upon being put to a vote, the foregoing ordinance was Passed on Second Reading on the 24th of August, 2023 by a super majority vote.

ATTEST:

APPROVED:

Betty Conde
City Secretary

Josh Stevens
Mayor

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: AUGUST 22, 2023

AGENDA ITEM: 11

SUBJECT: **AD VALOREM TAX RATE – 2023**
PROCEEDING: Ordinance; First 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 2023-2024 by passing an ordinance on first reading with record vote establishing the ad valorem tax rate of **\$0.745187** per hundred dollar assessed valuation for the Fiscal Year beginning October 1, 2023 and ending September 30, 2024, and adopting the provisions of Section 31.05 of the State Property Tax Code to provide for discounts under certain conditions. (*City Manager*)

City of Lamesa ADOPTED A TAX RATE THAT WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

THE TAX RATE WILL EFFECTIVELY BE RAISED BY 2.74 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$-53.88 {Section 26.05(b)1(A&B) OF THE PROPERTY TAX CODE}.

COUNCIL ACTION

DISCUSSION _____

Motion by Council Member _____ must be stated as; ***"I MOVE THAT THE PROPERTY TAX RATE BE INCREASED BY THE ADOPTION OF A TAX RATE OF \$0.745187, WHICH IS EFFECTIVELY A 2.76 PERCENT INCREASE IN THE TAX RATE.***

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

THE TAX RATE WILL EFFECTIVELY BE RAISED BY 2.74 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$-53.88.

City of Lamesa ADOPTED A TAX RATE THAT WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S 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	_____	_____	_____
VACANT	_____	_____	_____
FRED VERA	_____	_____	_____
GLORIA V RODRIGUEZ	_____	_____	_____
DANNY L JACOBS	_____	_____	_____
BOBBY G GONZALES	_____	_____	_____
RUDY SAUSED A JR	_____	_____	_____

CITY MANAGER'S MEMORANDUM

Recommend approval on 1st reading to set the tax rate at \$0.745187 on the hundred dollars cash value.

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LAMESA, TEXAS LEVYING AD VALOREM TAXES FOR FISCAL YEAR 2023-2024 AT \$0.745187 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 22nd day of August, 2023, 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 a public hearing and the publishing of public notice 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 2023-2024 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 2023-2024 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 2023-2024 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 \$0.745187 on each one hundred dollars (\$100.00) of assessed value of taxable property, and shall be apportioned and distributed as follows \$2,584,490.00 for the purpose of defraying the current expenses for maintenance and operations and debt service of the City.

SECTION 2. "THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE."

SECTION 3. "THE TAX RATE WILL EFFECTIVELY BE RAISED BY 2.74 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$-53.88."

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 2023.
- (b)** Two (2) percent discount on ad valorem taxes due the City of Lamesa if the taxes are paid in November of 2023.
- (c)** One (1) percent discount on ad valorem taxes due the City of Lamesa if the taxes are paid in December of 2023.

SECTION 5. The effective date of this ordinance shall be October 1, 2023.

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 24th day of August, 2023 by a majority vote.

ATTEST:

APPROVED:

Betty Conde
City Secretary

Josh Stevens
Mayor

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: AUGUST 22, 2023

AGENDA ITEM:12

SUBJECT: **OPEN AND AWARD SCADA IMPROVEMENTS AND SERVICE**
PROCEEDING: Approval
SUBMITTED BY: City Staff
EXHIBITS: Bids
AUTHORITY:

SUMMARY STATEMENT

City Council to consider awarding the bid for the Scada Improvements and Services
(*City Manager*)

COUNCIL ACTION

DISCUSSION _____

Motion by Council Member _____ to award a contract to _____ for the Scada Improvements and Support Services.. 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: AUGUST 22, 2023

AGENDA ITEM: 13

SUBJECT: PUBLIC HEARING ON REQUEST FOR A SPECIFIC USE PERMIT
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 23-5: To consider the petition of Nicolas and Maria Guillen 1704 North 13th Street to request a specific use permit for the following property.

Section 6 Block 35, T-5-N, T. & P. in the City of Lamesa, Dawson County, Texas

located at 702 N Main Avenue Lamesa, Texas 79331 for a manufactured home as their primary residence Lamesa, Texas 79331

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

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 AUGUST 22, 2023 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 23-5: To consider the petition of NICHOLAS AND MARIA GUILLEN OF 1704 NORTH 13TH STREET to request a specific use permit for the following property:

**SEC 6 BLK 35T5N ABST 516 1.15700 ACS IN SYPERT the
City of Lamesa, Dawson County, Texas**

located at 702 N MAIN AVE. for A MANUFACTURED HOME AS THEIR PRIMARY RESIDENCE.

FOR THE CITY OF LAMESA:

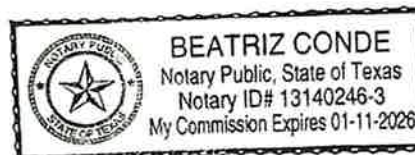


Publication Dates:

AUGUST 4, 2023

CERTIFICATION OF NOTICE: I certify that the agenda was posted at City Hall, 601 South 1st Street, Lamesa, Texas at 3:04 (a.m. / p.m.) on 1st Day of August, 2023, in accordance with the Texas Open Meeting Act.


Betty Conde
City Secretary



APPLICATION FOR SPECIFIC USE PERMIT

Date: 6-19-23

Case No. PZ 23-5

City Planning & Zoning Commission
City of Lamesa
601 South First Street
Lamesa, Texas 79331

Commission 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:

Sec 6 Blk 3575N ABST 516 1.15700 ACS in SYPERT
Lot _____, Block _____, Addition _____
Address 702 N Main Ave

Present use of property: Mobile Home

Desired use to be made of property?: Manufactured Home

Are there deed restrictions pertaining to intended use of property?

Signature

1704 N 15th
Address

No ✓
804-200-4690
Telephone Number

Lamesa Tx 79331
City, State & Zip

Date Received: 6-19-23

By: B. W. J. L.

NOTE: A fee of **\$50.00**, to publish and mail all notices, is filed with this application process.

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

Your meeting will be on July 28, 2023 at 4:00 pm at City Hall.
Someone on your behalf must attend on order for the case to be reviewed.

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.

WARRANTY DEED

THE STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF DAWSON

§

§

THAT THE UNDERSIGNED, Lucy A. Gutierrez, hereinafter called "Grantor", for and in consideration of the sum of TEN DOLLARS AND NO/100THS, (\$10.00), and other valuable consideration to the undersigned in hand paid by the Grantee herein named, the receipt of which is hereby acknowledged, have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto Marcus Anthony Salazar, herein referred to as "Grantee", whose address 508 N Boston Avenue, Lamesa, Texas 79331, the following described real property, to-wit:

All of that certain tract of land out of Section 6, Block 35, T-5-N, T. & P. Railway Company Surveys, Dawson County, Texas, which was conveyed by one certain deed executed by Mamie Sybert Burns and husband, D. Burns, and dated April 23, 1970, and recorded in Vol. 258, Page 256, of the Deed Records of Dawson County, Texas SAVE AND EXCEPT the following tracts of land:

1. That 1.10 acres which was conveyed by Gibson Products of Lamesa, Inc., to the State of Texas, Department of Public Safety, by a Warranty Deed dated July 10, 1980, recorded in Vol. 344, Page 1, of the Deed Records of Dawson County, Texas; and
2. That certain tract of land containing 1.45 acres which was conveyed to Brenton T. Gebo by a Warranty Deed dated April 23, 1984, recorded in Vol. 367, Page 683, of the Deed Records of Dawson County, Texas; and
3. All of the foregoing lands which lie North of the centerline of that certain alley dedicated and described in an instrument dated October 29, 1948, executed by J.L. Sybert et ux and recorded in Vol. 98, Page 285, of the Deed Records of Dawson County, Texas;

SUBJECT TO any and all restrictions, encumbrances, mineral reservations, easements, covenants and conditions, if any, relating to the herein above-described property as the same are filed for record in the County Clerk's Office of Dawson County, Texas.

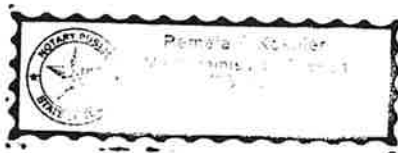
TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Grantees, their heirs, executors, administrators, successors and assigns forever; and Grantor do hereby bind himself, his heirs, executors, administrators, successors and/or assigns to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Grantees, their heirs, executors, administrators, successors and/or assigns against every person whomsoever claiming or to claim the same or any part thereof.

EXECUTED this 8 day of ^{May}~~April~~, 2023.


Lucy A. Gutierrez

THE STATE OF TEXAS §
COUNTY OF Dawson §

The foregoing instrument was acknowledged before me on the 8 day of ^{May}~~April~~, 2023, by Lucy T. Gutierrez.




Notary Public, State of Texas



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

INST NO:2023-1675

FILED ON: MAY 9, 2023 AT 4:20pm
THE INSTRUMENT CONTAINED 2 PAGES AT FILING
FILED BY: VVASQUEZ

**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 9th day of May 2023 at 4:20 PM and duly recorded on that date, in the Official Public Records of said county.

Instrument # 2023-1675 , 2 Pages

A handwritten signature in black ink, appearing to read "Clare Christy", written in a cursive style.

Clare Christy County Clerk



PLANNING & ZONING COMMISSION

City of Lamesa, Texas

DATE OF MEETING: JULY 27, 2023

AGENDA ITEM:3

SUBJECT: PROCEEDING: APPLICANT:	PZ 23-5: 702 N MAIN Approval or Denial NICHOLAS AND MARIA GUILLEN
--	--

SUMMARY STATEMENT

To consider the petition of NICHOLAS AND MARIA GUILLEN, OF 1704 N 13TH ST to request a specific use permit for the following property **SEC 6 BLK 35T5N ABST 516 1.15700 ACS IN SYPERT the City of Lamesa, Dawson County, Texas located at 702 N MAIN STREET** for use as a **MANUFACTURED HOME TO BE USED AS THEIR PRIMARY RESIDENCE**

ZONING BOARD OF ADJUSTMENT ACTION

DISCUSSION: Property owners were not present for the meeting. Conversation started with staff informing the commission that the owners were unaware of the necessity of a specific use permit and had already bought the manufactured home thinking that since there was one there already that they could just remove the old one and replace it with the new one. Staff informed the board that the owners learned of the requirements when they came to get a Demolition permit and a permit for utilities. Staff advised the commission that property owners were allowed to set the manufactured home and attach it just in case there was a storm, with the stipulation that if the permit is not approved then they will have to remove it. Commission members discussed the improvements to the neighborhood. The Commission then discussed concerns expressed by city staff, being parking, removal of the old mobile home and the current commercial zoning. City staff informed the commission that the old mobile home had been demolished with a piece of the frame waiting to be hauled off. Staff showed the commission that there were 2 concrete approaches and a full driveway on the property. 20 letters had been sent with 1 returned in favor of approval. Staff informed the commission of possible stipulations to the approval of the permit. Commission members voted to approve the recommendation to City Council with the stipulations that the owners have 2 years to lawfully install a manufactured home, as well as the specific use permit terminating when the manufactured home is removed.

Motion by ZBA Commission Member KIM BAIRRINGTON to APPROVE item 3. Motion seconded by ZBA Commission Member JINKIN ORTIZ and upon being put to a vote the motion PASSED.

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

BUILDING OFFICIAL'S RECOMMENDATION

RECOMMEND APPROVAL CONDITIONED UPON A TIME LIMIT OF TWO YEARS TO INSTALL THE MANUFACTURED HOME AND IF THE PROPERTY REMAINS VACANT OF A MANUFACTURED HOME FOR A PERIOD OF SIX MONTHS, THE PERMIT WILL BE TERMINATED.

PLANNING & ZONING COMMISSION

City of Lamesa, Texas

Prepared By

Name: _____
Address: _____

State: _____ Zip Code: _____

After Recording Return To

Name: Maria Guillen
Address: 1704 N 13th St

Lamesa
State: TX Zip Code: 79331

Space Above This Line for Recorder's Use

TEXAS GENERAL WARRANTY DEED

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.

STATE OF TEXAS
Dawson COUNTY

KNOW ALL MEN BY THESE PRESENTS, That for and in consideration of the sum of Three Thousand Dollars (\$ 3000.00) in hand paid to Marcus Salazar, a single, residing at 702 North Main, County of Dawson, City of Lamesa, State of Texas (hereinafter known as the "Grantor(s)") hereby grants, sells, and conveys to Nicholas and Maria Guillen, Married couple, residing at 1704 N 13th St, County of Dawson, City of Lamesa, State of Texas (hereinafter known as the "Grantee(s)") the following *described real estate (*and in Exhibit A if attached), situated in Dawson County, Texas to-wit:

Sec 6, BLK 1ST & 2ND APT 516
115700 ACS IN STREET (702 N MAIN)

[INSERT LEGAL DESCRIPTION HERE AND/OR ATTACH EXHIBIT A]

e

PLANNING & ZONING COMMISSION

City of Lamesa, Texas

TOGETHER WITH all the rights, members and appurtenances to the Real Estate in anywise appertaining or belonging thereto.

TO HAVE AND TO HOLD, the tract or parcel of land above described together with all and singular the rights, privileges, tenements, appurtenances, and improvements unto the said Grantees, their heirs and assigns forever.

And said Grantors, for said Grantors, their heirs, successors, executors and administrators, covenants with Grantees, and with their heirs and assigns, that Grantors are lawfully seized in fee simple of the said Real Estate; that said Real Estate is free and clear from all Liens and Encumbrances, except as hereinabove set forth, and except for taxes due for the current and subsequent years, and except for any Restrictions pertaining to the Real Estate of record in the Probate Office of said County; and that Grantors will, and their heirs, executors and administrators shall, warrant and defend the same to said Grantees, and their heirs and assigns, forever against the lawful claims of all persons.

IN WITNESS WHEREOF, Grantor has executed and delivered this General Warranty Deed under seal as of the day and year first above written.

Marcus Salazar
Grantor's Signature
Marcus Salazar
Grantor's Name
702 N. Main Ave
Address
Comanche Tr. 79371
City, State & Zip

Grantor's Signature

Grantor's Name

Address

City, State & Zip

In Witness Whereof,

Witness's Signature

Witness's Name

Address

City, State & Zip

Witness's Signature

Witness's Name

Address

City, State & Zip

PLANNING & ZONING COMMISSION

City of Lamesa, Texas

STATE OF TEXAS)

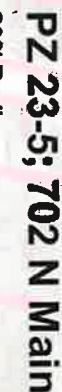
COUNTY OF DAWSON)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that MARCUS A. SALAZAR whose names are signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, executed the same voluntarily on the day the same bears date.

Given under my hand this 24 day of MAY 2023
SOMIA M. GIBSON
Notary Public

My Commission Expires: JULY 13, 2026





PLANNING & ZONING COMMISSION

City of Lamesa, Texas

PZ 23-5 LETTERS MAILED

PID	OWNER	OWNER ADDRESS	PROPERTY ADDRESS
6689	GUILLÉN NICHOLAS AND MARIA	1704 NORTH 13TH STREET LAMESA TX 79331	702 N MAIN
2572	HERNANDEZ BERNICE T	610 N AUSTIN LAMESA TX 79331	610 N AUSTIN
2562	RAMIREZ JOSE	612 N AUSTIN AVE LAMESA TX 79331	612 N AUSTIN
2578	RUBIO ERENDIRA	502 NORTH 6TH STREET LAMESA TX 79331	502 N 6TH
6728	NMD PROPERTIES LLC	2909 108TH STREET LUBBOCK TX 79423	EAST OF GEBOS
2577	DODSON SARA ANN YBANEZ	1112 S AVE K LAMESA TX 79331	500 N 6TH
6696	SEVEDGE MAUREEN AND DAVID LEE SEVEDGE	P O BOX 1162 LAMESA TX 79331	611 N AUSTIN
6689	GUILLÉN NICHOLAS AND MARIA	1704 NORTH 13TH STREET LAMESA TX 79331	702 N MAIN
6727	COYOTE REAL ESTATE HOLDINGS LLC	702 EAST 40TH STREET LUBBOCK TX 79404	N MAIN
5751	HERNANDEZ PAUL & MARIBEL HERNANDEZ	712 N 2ND ST LAMESA TX 79331	501 N 7TH
5750	HERNANDEZ PAUL & MARIBEL HERNANDEZ	712 N 2ND ST LAMESA TX 79331	N AUSTIN
5749	HERNANDEZ PAUL	712 NORTH 2ND LAMESA TX 79331	409 N 7TH
5748	ARREDONDO AARON	PO BOX 822 LAMESA TX 79331	407 N 7TH
6741	UNKNOWN	BAD ADDRESS UNKNOWN	403 N 7TH
6721	GONZALES RAY ALFREDO SR	1604 WILSON ST LEVELAND TX 79336	401 N 7TH
6736	COYOTE REAL ESTATE HOLDINGS LLC	702 EAST 40TH STREET LUBBOCK TX 79404	800 N DALLAS
3031	COYOTE REAL ESTATE HOLDINGS LLC	702 EAST 40TH STREET LUBBOCK TX 79404	N 7TH
6694	DAWSON COUNTY SENIOR CITIZENS INC	PO BOX 241 LAMESA TX 79331	609 N AUSTIN
16157	HERNANDEZ PAUL & MARIBEL HERNANDEZ	712 N 2ND ST LAMESA TX 79331	611 N AUSTIN
	LAMESA BOYS AND GIRLS CLUB INC	PO BOX 826 LAMESA TX 79331	400 N 7TH
	TEXAS DEPARTMENT OF PUBLIC SAFETY	PO BOX 4087 AUSTIN TX 78773	608 N MAIN

LETTERS MAILED	20	RETURNED	IN FAVOR	OPPOSED
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PLANNING & ZONING COMMISSION

City of Lamesa, Texas



CITY OF LAMESA

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

CITY OF LAMESA SPECIFIC USE PERMIT STAFF REVIEW AND ACKNOWLEDGEMENT

TO: ALL DEPARTMENTS

Please complete this form and return it to the BRIAN BECK, INSPECTIONS DEPARTMENT.

The following specific use permit has been requested:

LEGAL DESCRIPTION: SEC 6 BLK 35T5N ABST 516 1.15700 ACS IN SYPERT the City of Lamesa, Dawson County, Texas

ADDRESS OF PROPERTY: 702 N MAIN AVE.

NAME OF OWNER: NICHOLAS AND MARIA GUILLEN OF 1704 NORTH 13TH STREET

PRESENT ZONE: C-1

PRESENT LAND USE: MOBILE HOME

PROPOSED LAND USE: MANUFACTURED HOME FOR USE AS THEIR PRIMARY RESIDENCE

DATE OF PLANNING AND ZONING COMMISSION HEARING: JULY 27, 2023

I have reviewed the requested change and pursuant usage with respect to the comprehensive plan, availability of parking, and compatibility with the surrounding neighborhood and have the following comments: *There is currently a MFH on this site. Is this an additional MFH or to replace the existing. This current site is unattractive and adds nothing to the area. I'm inclined to refuse this request.*

DATE RETURNED 6-28-23

SIGNED: *[Signature]*

TITLE: *Joe Hines*



PLANNING & ZONING COMMISSION

City of Lamesa, Texas



JUN 26 REC'D

CITY OF LAMESA

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

CITY OF LAMESA SPECIFIC USE PERMIT STAFF REVIEW AND ACKNOWLEDGEMENT

TO: ALL DEPARTMENTS

Please complete this form and return it to the BRIAN BECK, INSPECTIONS DEPARTMENT.

The following specific use permit has been requested:

LEGAL DESCRIPTION: SEC 6 BLK 35T5N ABST 516 1.15700 ACS IN SYPERT the City of Lamesa, Dawson County, Texas

ADDRESS OF PROPERTY: 702 N MAIN AVE.

NAME OF OWNER: NICHOLAS AND MARIA GUILLEN OF 1704 NORTH 13TH STREET

PRESENT ZONE: C-1

PRESENT LAND USE: MOBILE HOME

PROPOSED LAND USE: MANUFACTURED HOME FOR USE AS THEIR PRIMARY RESIDENCE

DATE OF PLANNING AND ZONING COMMISSION HEARING: JULY 27, 2023

I have reviewed the requested change and pursuant usage with respect to the comprehensive plan, availability of parking, and compatibility with the surrounding neighborhood and have the following comments:

DATE RETURNED 6-26-2023

SIGNED: Wayne Chapman

TITLE: Finance Director



PLANNING & ZONING COMMISSION

City of Lamesa, Texas



CITY OF LAMESA

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

CITY OF LAMESA SPECIFIC USE PERMIT STAFF REVIEW AND ACKNOWLEDGEMENT

TO: ALL DEPARTMENTS

Please complete this form and return it to the BRIAN BECK, INSPECTIONS DEPARTMENT.

The following specific use permit has been requested:

LEGAL DESCRIPTION: SEC 6 BLK 35T5N ABST 516 1.15700 ACS IN SYPERT the City of Lamesa, Dawson County, Texas

ADDRESS OF PROPERTY: 702 N MAIN AVE.

NAME OF OWNER: NICHOLAS AND MARIA GUILLEN OF 1704 NORTH 13TH STREET

PRESENT ZONE: C-1

PRESENT LAND USE: MOBILE HOME

PROPOSED LAND USE: MANUFACTURED HOME FOR USE AS THEIR PRIMARY RESIDENCE

DATE OF PLANNING AND ZONING COMMISSION HEARING: JULY 27, 2023

I have reviewed the requested change and pursuant usage with respect to the comprehensive plan, availability of parking, and compatibility with the surrounding neighborhood and have the following comments:

DATE RETURNED 6/26/2023

SIGNED: [Signature]

TITLE: FIRE CHIEF



PLANNING & ZONING COMMISSION

City of Lamesa, Texas



CITY OF LAMESA

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

CITY OF LAMESA SPECIFIC USE PERMIT STAFF REVIEW AND ACKNOWLEDGEMENT

TO: ALL DEPARTMENTS

Please complete this form and return it to the BRIAN BECK, INSPECTIONS DEPARTMENT.

The following specific use permit has been requested:

LEGAL DESCRIPTION: SEC 6 BLK 35T5N ABST 516 1.15700 ACS IN SYPERT the City of Lamesa, Dawson County, Texas

ADDRESS OF PROPERTY: 702 N MAIN AVE.

NAME OF OWNER: NICHOLAS AND MARIA GUILLEN OF 1704 NORTH 13TH STREET

PRESENT ZONE: C-1

PRESENT LAND USE: MOBILE HOME

PROPOSED LAND USE: MANUFACTURED HOME FOR USE AS THEIR PRIMARY RESIDENCE

DATE OF PLANNING AND ZONING COMMISSION HEARING: JULY 27, 2023

I have reviewed the requested change and pursuant usage with respect to the comprehensive plan, availability of parking, and compatibility with the surrounding neighborhood and have the following comments:

DATE RETURNED 07-28-23

SIGNED: 

TITLE: DIRECTOR OF UTILITIES



PLANNING & ZONING COMMISSION

City of Lamesa, Texas



JUN 27 REC'D

CITY OF LAMESA

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

CITY OF LAMESA SPECIFIC USE PERMIT STAFF REVIEW AND ACKNOWLEDGEMENT

TO: ALL DEPARTMENTS

Please complete this form and return it to the BRIAN BECK, INSPECTIONS DEPARTMENT.

The following specific use permit has been requested:

LEGAL DESCRIPTION: SEC 6 BLK 35T5N ABST 516 1.15700 ACS IN SYPERT the City of Lamesa, Dawson County, Texas

ADDRESS OF PROPERTY: 702 N MAIN AVE.

NAME OF OWNER: NICHOLAS AND MARIA GUILLEN OF 1704 NORTH 13TH STREET

PRESENT ZONE: C-1

PRESENT LAND USE: MOBILE HOME

PROPOSED LAND USE: MANUFACTURED HOME FOR USE AS THEIR PRIMARY RESIDENCE

DATE OF PLANNING AND ZONING COMMISSION HEARING: JULY 27, 2023

I have reviewed the requested change and pursuant usage with respect to the comprehensive plan, availability of parking, and compatibility with the surrounding neighborhood and have the following comments:

DATE RETURNED 6/29/23

SIGNED: *Richard J. Beck*

TITLE: Captain



PLANNING & ZONING COMMISSION

City of Lamesa, Texas



CITY OF LAMESA

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

CITY OF LAMESA, TEXAS PLANNING AND ZONING COMMISSION NOTICE TO PROPERTY OWNERS

NOTICE is hereby given to all interested persons that the Planning and Zoning Commission of the City of Lamesa, Texas will hold a public hearing on JULY 27, 2023, at 4:00 PM in the City Hall, 601 South First Street, Lamesa, Texas.

AT WHICH TIME the Planning and Zoning Commission will consider a request for a specific use permit for the following described property, such property being within 200 feet of property listed by the tax office as belonging to you:

**SEC 6 BLK 35T5N ABST 516 1.15700 ACS IN SYPERT
the City of Lamesa, Dawson County, Texas**

That NICHOLAS AND MARIA GUILLEN OF 1704 NORTH 13TH STREET requested that a specific use permit be granted for the property described above, located at 702 N MAIN AVE., for a MANUFACTURED HOME TO BE USED AS THEIR PRIMARY RESIDENCE.

You are hereby invited to attend such public hearing and voice any comments you may have regarding such proposed zone change. If for any reason you are unable to attend the public hearing, you may return this form to Brian Beck, INSPECTIONS DEPARTMENT, City of Lamesa, 601 South First Street, Lamesa, Texas 79331 with your comments as stated below, and your wishes will be made known to the members of the Planning and Zoning Commission.

REPLY

I am (in favor) (opposed to) the zone change as requested by Case Number:PZ 23-5 My reason and comments are as follows:

SIGNATURE: _____

DATE: _____

NAME:
ADDRESS:



PLANNING & ZONING COMMISSION

City of Lamesa, Texas

DATE OF MEETING: JULY 27, 2023

AGENDA ITEM: 4

ADJOURNMENT: "The next regular meeting of the Planning and Zoning Commission of the City of Lamesa, Texas will be held at 4:00 p.m., on **Thursday, August 24, 2023** at City Hall, 601 South First Street. Persons desiring to present business to the Commission at that meeting are directed to submit a request in writing to the Inspections Department by **Wednesday, August 01, 2023**, in order to be included on the agenda. There being no other business, the meeting is hereby adjourned."



CITY OF LAMESA

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

NOTICE PUBLIC HEARING CITY OF LAMESA, TEXAS PLANNING AND ZONING COMMISSION

NOTICE is hereby given to all interested persons that the Planning and Zoning Commission of the City of Lamesa, Texas will hold a public hearing on JULY 27, 2023, at 4:00 PM 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 Planning and Zoning Commission will make a determination in the following case:

CASE NO. PZ 23-5: To consider the petition of NICHOLAS AND MARIA GUILLEN OF 1704 NORTH 13TH STREET to request a specific use permit for the following property:

**SEC 6 BLK 35T5N ABST 516 1.15700 ACS IN SYPERT the
City of Lamesa, Dawson County, Texas**

located at 702 N MAIN AVE. for A MANUFACTURED HOME AS THEIR PRIMARY RESIDENCE.

FOR THE CITY OF LAMESA;

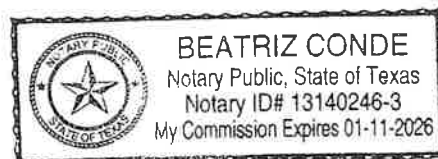


Publication Dates:

JULY 2, 2023

CERTIFICATION OF NOTICE: I certify that the agenda was posted at City Hall, 601 South 1st Street, Lamesa, Texas at 9:22 (a.m. / p.m.) on 1st Day of July, 2023 in accordance with the Texas Open Meeting Act.


Betty Conde
City Secretary





PLANNING & ZONING COMMISSION

City of Lamesa, Texas

NOTICE IS GIVEN THAT THE PLANNING and ZONING COMMISSION OF THE CITY OF LAMESA, TEXAS WILL MEET IN A REGULAR SCHEDULED MEETING AT 4:00 P.M. ON THURSDAY, JULY 27, 2023, 601 SOUTH FIRST STREET, LAMESA, TEXAS. FOR THE PURPOSE OF CONSIDERING AND TAKING OFFICIAL ACTION ON THE FOLLOWING ITEMS:

THIS NOTICE IS POSTED PURSUANT TO V.A.T.C.S., GOVERNMENT CODE; 551.043.

- 1. CALL TO ORDER:**
- 2. APPROVAL OF THE MINUTES:** Approval of the minutes of the Planning and Zoning Commission meeting held on March 23, 2023
- 3. PZ 23-5: NICHOLAS AND MARIA GUILLEN, 1704 N 13TH**
Applicant is requesting that a specific use permit be granted for the property located at 702 N MAIN AVE., for a MANUFACTURED HOME TO BE USED AS THEIR PRIMARY RESIDENCE
- 4. ADJOURNMENT:** *The next regularly scheduled meetings of the Planning and Zoning Commission will be August 24, 2023 at 4:00 P.M.*

I certify this agenda was posted at the City Hall, 601 South First Street, Lamesa, Texas at **9:22 a.m.**, on **July 11, 2023** in accordance with Chapter 551.041 of the Government Code.

***NOTE: THE PLANNING and ZONING COMMISSION RESERVES THE RIGHT TO ADJOURN INTO A CLOSED MEETING AT ANY TIME REGARDING ANY ITEM ON THE AGENDA FOR WHICH IT IS LEGALLY PERMISSIBLE UNDER THE TEXAS OPEN MEETINGS ACT PURSUANT TO LGC 551.071.**



PLANNING & ZONING COMMISSION

City of Lamesa, Texas

DATE OF MEETING: JULY 27, 2023

AGENDA ITEMS: 1

CALL TO ORDER: "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 Planning and Zoning Commission 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 BRIAN BECK of the Inspections Department in order to be considered for inclusion on the agenda of the next meeting. A quorum being present as evidenced by the presence of 6 members of the Planning and Zoning Commission, this meeting is hereby called to order."

The following members are present:

RICHARD LEONARD	MEMBER	PRESENT
KIM BAIRINGTON	MEMBER	PRESENT
SAM ADAMS	MEMBER	PRESENT
MARIBEL HERNANDEZ	MEMBER	ABSENT
KENDALL MEEK	MEMBER	PRESENT
STEVEN HATCHETT	MEMBER	ABSENT
ISAIAS TORRES	MEMBER	PRESENT
BOB HENDERSON	ALTERNATE MEMBER	ABSENT
JENKIN ORTIZ	ALTERNATE MEMBER	PRESENT

City Staff members present at the meeting:

BRIAN BECK	INSPECTIONS DEPARTMENT
KYRA REYES	INSPECTIONS DEPARTMENT
SADIE GARNER	INSPECTIONS DEPARTMENT



PLANNING & ZONING COMMISSION

City of Lamesa, Texas

DATE OF MEETING: JULY 27, 2023

AGENDA ITEM: 2

SUBJECT: PROCEEDING: SUBMITTED BY:	APPROVAL OF MINUTES Approval or Denial City Staff
--	--

SUMMARY STATEMENT

Approval of Minutes listed are considered to be routine by the Planning and Zoning Commission will be enacted by one motion. There will be no separate discussion of these items unless a Commission Member so requests, in which 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 of the Planning and Zoning Commission meeting held on March 23, 2023.

PLANNING AND ZONING COMMISSION ACTION

Discussion:

Motion by Planning and Zoning Commissioner Member **KIM BAIRRINGTON** to approve Item 2. Motion seconded by Planning and Zoning Commissioner Member **JINKIN ORTIZ** and upon being put to a vote the motion **PASSED**.

VOTING:

"AYE" 6

"NAY" 0

"ABSTAIN" 0

RECOMMEND APPROVAL



PLANNING & ZONING COMMISSION

City of Lamesa, Texas

DATE OF MEETING: JULY 27, 2023

AGENDA ITEM:2

SUBJECT:	PZ 23-4: 1102 N DALLAS
PROCEEDING:	Approval or Denial
APPLICANT:	GILBERT TEJEDA

SUMMARY STATEMENT

To consider the petition of GILBERT TEJEDA, OF 301 S 1ST ST to change the zone of the following property **LOT 15-16, BLOCK 1, OAKLAND PLACE ADDITION the City of Lamesa, Dawson County, Texas** located at 1102 N DALLAS STREET from zoning district C-1 to zoning district I-1 for use as **GRANITE FABRICATION SHOP**

ZONING BOARD OF ADJUSTMENT ACTION

DISCUSSION: THE APPLICANT WAS NOT PRESENT AT HE MEETING. THE PROPERTY OWNER IS ALLOWING HIS OCCUPANT OF THAT PROPERTY TO OPEN A GRANITE FABRICATION SHOP, TO CUT AND POLISH SLABS. THE BOARD RAISES THE QUESTION ABOUT POSSIBLE NOISE COMING FROM THE PROPERTY. CITY STAFF EXPLAINS THAT THE GRANITE WILL BE CUT WITH A WATER JET IN WHICH WILL NOT CAUSE MUCH NOISE. CITY STAFF BRINGS UP OTHER CONCERNS, THE DUST COMING FROM THE WORK BEING DONE THE PROPERTY AND THE DISPOSAL OF THE DEBRIS. A BOARD MEMBER ASKS IF THE DEBRIS WILL NOT JUST GO DOWN THE DRAIN; CITY STAFF EXPLAINS HOW THEY RECOMMEND AN AIR FILTERING SYSTEM AND A SAND TRAP TO COLLECT THE DEBRIS. THE CONCERN IS THAT THE DUST WILL BUILD UP AND CLOUD ONTO THE HIGHWAY NEIGHBORING TO THE PROPERTY. A BOARD MEMBER BRINGS UP AN OPPOSED LETTER THAT WAS RETURNED, AND BROUGHT UP THE STATEMENT ON THE LETTER STATING THEY DO NOT WANT NOISE. WHEN LOOKING AT THE LOCATION OF WHERE THE LETTER WAS RETURNED FROM THE BOARD DOES NOT BELIEVE THE NOISE WILL IMPACT THEM MAJORLY. THE BOARD AGREES WITH CITY STAFF ON THE BUILDING OFFICIAL'S RECOMMENDATIONS.

Motion by ZBA Commission RICHARD LEONARD to APPROVE item 3. Motion seconded by ZBA Commission Member KIM BAIRRINGTON and upon being put to a vote the motion PASSED.

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

BUILDING OFFICIAL'S RECOMMENDATION

RECOMMEND APPROVAL WITH THE INSTALLATION OF AN AIR FILTERING SYSTEM AND A SAND TRAP ON THE BUILDING DRAIN FOR COLLECTING DEBRIS FROM THE MANUFACTURING PROCESS.

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: AUGUST 22, 2023

AGENDA ITEM: 14

SUBJECT: **REQUEST FOR A SPECIFIC USE PERMIT**
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 Specific Use Permit for the following property:

CASE NO. P&Z 23-5: To consider the petition of Nicolas and Maria Guillen 1704 North 13th Street to request a specific use permit for the following property.

Section 6 Block 35, T-5-N, T. & P. in the City of Lamesa, Dawson County, Texas

located at 702 N Main Avenue Lamesa, Texas 79331 for a manufactured home as their primary residence Lamesa, Texas 79331

COUNCIL ACTION

DISCUSSION _____

Motion by Council Member _____ to consider approving an Ordinance on First reading approving a Specific Use Permit for the following property located at 702 N. Main Avenue Lamesa, Texas 79331. 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 SPECIFIC USE PERMIT TO ALLOW PLACEMENT OF A MANUFACTURED HOME ON ALL OF THAT CERTAIN TRACT OF LAND OUT OF SECTION 6, BLOCK 35, T-5-N, T & P RAILWAY COMPANY SURVEY, DAWSON COUNTY, TEXAS LOCATED AT 702 NORTH MAIN STREET, LAMESA, TEXAS, UPON RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION.

On this the 22nd day of August, 2023, 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 said city may be changed upon application of the property owner and upon recommendation of the Planning and Zoning Commission of the City; and

WHEREAS, an application to the Planning and Zoning Commission of the City of Lamesa, Texas, has been made to change the zoning of the following described property located at 702 North Main Street, Lamesa, Texas, from a District C-1 (Local Retail District) to allow placement of a manufactured home on the following described property, to-wit:

All of that certain tract of land out of Section 6, Block 35, T-5-N, T. & P. Railway Company Survey, Dawson County, Texas, which was conveyed by one certain deed executed by Mamie Sybert Burns and husband, D. Burns, dated April 23, 1970, and recorded in Vol. 258, Page 256, of the Deed Records of Dawson County, Texas; SAVE AND EXCEPT the following tracts of land:

1. That 1.10 acre tract which was conveyed by Gibson Products of Lamesa, Inc., to the State of Texas, Department of Public Safety, by Warranty Deed dated July 10, 1980, recorded in Vol. 344, Page 1, of the Deed Records of Dawson County, Texas;
2. That certain 1.45 acre tract which was conveyed to Brenton T. Gebo by Warranty Deed dated April 23, 1984, recorded in Vol. 367, Page 683, of the Deed Records of Dawson County, Texas; and
3. All of the foregoing lands which lie North of the centerline of that certain alley dedicated and described in an instrument dated October 29, 1948, executed by J.L. Sybert, et ux, and recorded in Vol. 98, Page 285, of the Deed Records of Dawson County, Texas.

WHEREAS, said property is located within the city limits of the City of Lamesa, Texas, located at 702 North Main Street, and is within a district zoned as C-1 (Local Retail District); 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 denied, but that a specific use permit to allow the placement of a manufactured home on such property be granted; and

WHEREAS, a public hearing, where all interested persons were provided with 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 July 27,, 2023, which date is not less than fifteen days prior to the publication of a notice of such hearing in the Lamesa Press-Reporter, a newspaper of general circulation in the City of Lamesa, Texas;

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

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

SECTION ONE: That the request for a specific use permit to allow the placement of a manufactured home on the following described property located at 702 North Main Street, Lamesa, Texas, , to-wit:

All of that certain tract of land out of Section 6, Block 35, T-5-N, T. & P. Railway Company Survey, Dawson County, Texas, which was conveyed by one certain deed executed by Mamie Sybert Burns and husband, D. Burns, dated April 23, 1970, and recorded in Vol. 258, Page 256, of the Deed Records of Dawson County, Texas; SAVE AND EXCEPT the following tracts of land:

1. That 1.10 acre tract which was conveyed by Gibson Products of Lamesa, Inc., to the State of Texas, Department of Public Safety, by Warranty Deed dated July 10, 1980, recorded in Vol. 344, Page 1, of the Deed Records of Dawson County, Texas;
2. That certain 1.45 acre tract which was conveyed to Brenton T. Gebo by Warranty Deed dated April 23, 1984, recorded in Vol. 367, Page 683, of the Deed Records of Dawson County, Texas; and
3. All of the foregoing lands which lie North of the centerline of that certain alley dedicated and described in an instrument dated October 29, 1948, executed by J.L. Sybert, et ux, and recorded in Vol. 98, Page 285, of the Deed Records of Dawson County, Texas.
; and

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

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

Upon being put to a vote, the foregoing ordinance was Passed, on First Reading on the 22nd day of August, 2023, by a majority vote; and then on the 24th day of August, 2023, 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 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 24th day of August, 2023, 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 Council Agenda

City of Lamesa, Texas

DATE OF MEETING: AUGUST 22, 2023

AGENDA ITEM: 15

SUBJECT: **EXECUTIVE SESSION:**
PROCEEDING: Closed Session
SUBMITTED BY: City Staff
EXHIBITS:
AUTHORITY: Texas Open Meetings Act Chapter 551, Government Code

SUMMARY STATEMENT

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

Section 551.087 Texas Government Code: Deliberation regarding Economic Development negotiations.

Section 551.0726 Texas Government Code: Contracts being negotiated.

COUNCIL ACTION

DISCUSSION: _____

Motion by Council Member _____ to enter into executive session. Motion seconded by Council Member _____ and upon being put to a vote the motion passed.

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

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

On this day, August 22, 2023, at a regular meeting of the City Council of the City of Lamesa, Texas the Council adjourned into a closed executive session; notice of said session having been given by a notice posted at the City Hall, 601 South First Street at least seventy-two hours in advance.

A. ANNOUNCEMENT BY PRESIDING OFFICER:

"The City Council will begin its executive session on August 22, 2023, at _____ P.M."

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

Section 551.087 Texas Government Code: Deliberation regarding Economic Development negotiations.

Section 551.0726 Texas Government Code: Contracts being negotiated.

RECORD OF ACTION TAKEN: _____.

B. ANNOUNCEMENT BY PRESIDING OFFICER:

"The City Council has completed its executive session on August 22, 2023, at _____ P.M."

C. CERTIFICATION:

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

WITNESS my hand this _____, 2023.

Josh Stevens Mayor

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: AUGUST 22, 2023

AGENDA ITEM:16

ADJOURNMENT: Announcement by the Mayor - "The next regularly scheduled meetings of the City Council of the City of Lamesa will be **August 24th, 2023**, at 5:30 P.M."