



# CITY COUNCIL AGENDA

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NOTICE IS GIVEN THAT THE CITY COUNCIL OF THE CITY OF LAMESA, TEXAS, WILL MEET IN A REGULARLY SCHEDULED MEETING AT 5:30 P.M. ON TUESDAY, SEPTEMBER 12, 2023, 601 SOUTH FIRST STREET, FOR THE PURPOSE OF CONSIDERING AND TAKING OFFICIAL ACTION ON THE FOLLOWING ITEMS:

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**1. CALL TO ORDER:**

**2. INVOCATION:**

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

a. **APPROVAL OF THE MINUTES:** Approval of the minutes of the City Council regular meeting held on August 15<sup>th</sup>, 17<sup>th</sup>, 22<sup>nd</sup>, and 24<sup>th</sup>.

**4. 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*)

**5. AWARD SCADA PROPOSAL:** City Council to consider awarding a contract for the Scada Improvements and Support Services. (*City Manager*)

**6. PUBLIC HEARING ANNEXATION – (RAIDER PUMP AND SUPPLY, INC.):** Public hearing, in accordance with State Law, for all persons interested on the proposed annexation by the City of Lamesa, Texas of the following described territory to wit

**7. ANNEXATION – (RAIDER PUMP AND SUPPLY, INC.):** Consider passing an Ordinance on First Reading annexing the described land in accordance with State Law, on proposed annexation by the City of Lamesa, Texas of the following described property to-wit.

A 4.299 acre tract of land being all of Lots 11, 12, 53 and 54, and the North 45.00 feet of Lots 13 and 52, all in Block 1, and all of Lots 15 and 16, and the North 45.00 feet of Lot 17, Block 2, all in Industrial Addition to the City of Lamesa, Dawson County, Texas, as

per plat recorded in Volume 2, Page 22, Plat records of Dawson County, Texas, together with that portion of closed alley between said Lots in Block 1 and closed street between said Blocks 1 and 2, as closed by the Commissioner's Court of Dawson County, Texas on May 28, 1996, recorded in Volume 472, Page 555, Deed Records of Dawson County, Texas and that portion of the South Plains Lamesa Railroad right-of-way conveyed to DEMA, Inc. by deed dated September 9, 1997 and recorded in Volume 511, Page 425, Deed Records of Dawson County, Texas, lying East of and adjacent to said lots, said 4.299 acre tract being more particularly described as follows:

BEGINNING at a ½" iron rod found in the Southeasterly right-of-way line of U.S. Highway 87 at the Southwest corner of the North 45.00 feet of said Lot 13, Block 1, Industrial Addition, for the Northwest corner of the South 55.00 feet of said Lot 13, Block 1, Industrial Addition, for the Southwest corner of this tract, from which a ½" iron rod with cap marked "NEWTON SURVEYING" found for the Southwest corner of said Block 1, Industrial Addition bears S.26°48'25"W. 2147.60 feet (bearings compared to the Texas Coordinate System of 1983, North Central Zone, distances, and area are surface);

THENCE N.26°48'25"E., along said highway right-of-way line and the Northwesterly line of said Industrial Addition, at 45.00 feet pass the Southwest corner of said Lot 12, Block 1, in all 245.00 feet to a "+" found in concrete for the Northwest corner of said Lot 11, and for the Northwest corner of this tract;

THENCE S.63°11'35"E., at 664.70 feet pass the Northeast corner of said Lot 15, Block 2, Industrial Addition, in all 764.22 feet to a ½" iron rod with cap marked "NEWTON SURVEYING" found in the Southeasterly line of said railroad right-of-way, for the Northeast corner of this tract;

THENCE S.26°45'21"W., along said Southeasterly railroad right-of-way line, 245.00 feet to a ½" iron rod with cap marked "NEWTON SURVEYING" found for the Southeast corner of this tract;

THENCE N.63°11'35"W., at 99.74 feet pass the Southeasterly line of said Industrial Addition, in all 764.44 feet to the PLACE OF BEGINNING;

That the use of said land is intended for use as retail sales and the petitioner requests that said land be annexed into the City of Lamesa, Texas, into zoning district "I-2" Heavy industry district in accordance with the provisions of Chapter 14 of the Code of Ordinances of the City of Lamesa. (*City Manager and Building Official*)

8. **BUDGET AMENDMENT VIII:** 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 amendments are for TML claims on a Wastewater Pickup and the Landfill Scale house.*)*City Manager & Finance Director*)
9. **APPROVAL OF SALE OF REAL PROPERTY BY LAMESA ECONOMIC DEVELOPMENT CORPORATION:** City Council to consider passing a resolution of a contract approving the sale of Lots 4, 8 and 9 of the Industrial Park Addition to the Original Town of Lamesa Dawson County, Texas to Peter Schmitt. (*EDC Director*)

**10. AN ORDINANCE GRANTING TO DAMIAN GALLEGOS DOING BUSINESS AS RECYCLE LAMESA THE RIGHT AND CONSENT FOR THE USE OF ITS PRESENT AND FUTURE STREETS AND ALLEYS IN SAID CITY UNDER REGULATIONS AND RESTRICTIONS AS STATED THEREIN AND PROVIDING THAT THE SAID CITY SHALL RECEIVE AN ANNUAL PAYMENT FOR SAME.:** City Council to consider passing an ordinance on first reading granting Damian Gallegos doing business as Recycle Lamesa the right and consent for the use of its present and future streets and alleys in said city under regulations and restrictions as stated therein and providing that the said city shall receive an annual payment for same. *(City Manager)*

**11. CITY STAFF REPORTS:**

- a. **UTILITIES DIRECTOR REPORT:** Utilities Director to report on the city's recent events
- b. **GOLF COURSE REPORT:** Golf Course Superintendent to report on conditions and events at the Golf Course

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

**13. MAYOR'S REPORT:** Mayor to report on current activities.

**14. ADJOURNMENT:** *The next regularly scheduled meetings of the City Council of the City of Lamesa will be October 17, 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., September 8<sup>th</sup>, 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: SEPTEMBER 12, 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: SEPTEMBER 12, 2023**

**AGENDA ITEM: 3**

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

### **SUMMARY STATEMENT**

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

- a. **APPROVAL OF THE MINUTES:** Approval of the minutes of the council meeting held on August 15<sup>th</sup>, 17<sup>th</sup>, 22<sup>nd</sup>, and August 24<sup>th</sup>.

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

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

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

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

**Recommend approval.**

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

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

**August 15, 2023**

On this the 15th day of August 2023, at 5:30 P.M., there came on and was held a regularly called meeting of the City Council of the City of Lamesa, Dawson County, Texas. Notice of such meeting having been posted at the City Hall at 601 South First Street in the City of Lamesa, Texas in accordance with the provisions of the Texas Open Meetings Act (Texas Govt. Code, Chapter 551). The following items were listed on the notice and the following proceedings were had, viz.:

CALL TO ORDER: Mayor Stevens announced that the meeting was being held in accordance with the provisions of the Texas Open Meetings Act (Texas Govt. Code, Chapter 551), and that discussion and actions are limited to the agenda items as posted. A quorum being present as evidenced by the presence 5 City Council Members were 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 ABSENT
RUDY SAUSED A JR.	Council Member – District 6

City staff members present at the meeting:

JOE HINES	CITY MANAGER
BETTY CONDE	CITY SECRETARY
RUSSELL CASSELBERRY	CITY ATTORNEY

Members of the press present at the meeting:

Mary Elizabeth

Members of the public present at the meeting:

Wayne Chapman	Robert Ramirez	Irma Ramirez	Leticia Dimas	Norma Garcia
Josh Peterson	Irma Ramirez	Victor Dimas	Dinicio Garza Jr.	Peter Gonzales
Larry Duyck	Andrea Goodson	Cris Norris	Brian Beck	Josh Peterson

Francisco Solis Breanna Solis

**INVOCATION: Josh Stevens**

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

- a. **APPROVAL OF THE MINUTES:** Approval of the minutes of the City Council regular meeting held on July 18<sup>th</sup>, 25<sup>th</sup> and August 1st, 2023.
- b. **BILLS FOR JULY 2023:** Approval of the bills paid by the City of Lamesa for the month of July 2023

Motion by Council Member Rudy Sauseda to approve items 3a and b. Motion seconded by Council Member Danny Jacobs and upon being put to a vote the motion passed.

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

**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)*

*Passed on agenda item #4, will be added to the August 22, 2023, agenda.*

**RE-APPOINTMENT OF CRIS NORRIS TO THE CANADIAN RIVER MUNICIPAL WATER AUTHORITY:** City Council to approve the Cris Norris to serve as the City's representative on the Canadian River Municipal Water Authority Board. *(City Manager)*

Motion by Council Member Danny Jacobs to approve Cris Norris to serve as the City's representative on the Canadian River Municipal Water Authority Board. Motion seconded by Council Member Gloria Rodriguez and upon being put to a vote the motion passed.

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

**EMPLOYEE ASSISTANCE PROGRAM (EAP) AGREEMENT WITH TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER:** City Council to consider approving an agreement with Texas Tech University Health Sciences Center to provide an Employee Assistance Program (EAP) to benefit City employees and volunteer firefighters. *(Human Resources Director)*

Motion by Council Member Danny Jacobs to approve an agreement with Texas Tech University Health Sciences Center to provide an Employee Assistance Program (EAP) to benefit City employees and volunteer firefighters. This is a renewal of an existing contract. Motion seconded by Council Member Rudy Sauseda and upon being put to a vote the motion passed.



**VOTING:**

"AYE" 5

"NAY"

"ABSTAIN"

**RECOGNITION CEREMONY FOR LAMESA POLICE OFFICER:** Mayor and City Council to recognize Lamesa Police Officer. (Police Chief)

Police Chief recognized Fransisco Solis for service above and beyond the call of duty.

**LETTER OF ENGAGEMENT FOR AUDIT SERVICES FOR FY-2022-2023:**

City Council to consider approving the letter of engagement for Audit Services with Terry & King CPAs, P.C. for Fiscal Year 2022-2023. *(Finance Director & City Manager)*

Motion by Council Member Rudy Sauseda to approve the letter of engagement for Audit Services Terry & King CPAS, P.C. . for Fiscal Year 2022/2023. Motion seconded by Council Member Danny Jacobs and upon being put to a vote the motion passed.

**VOTING:**

"AYE" 5

"NAY"

"ABSTAIN"

**INTERLOCAL AGREEMENT – 9-1-1 PUBLIC SAFETY ANSWERING POINT:** City Council to consider approving an Interlocal agreement with the Permian Basin Regional Planning Commission relating to the planning, development, operation and provision of 9-1-1 services for FY2023 through 2025. *(City Manager)*

Motion by Council Member Danny Jacobs to approve Interlocal agreement with the Permian Basin Regional Commission relating to the planning, development, operation, and provision of E9-1-1 services for FY2023 through 2025. Motion seconded by Council Member Gloria Rodriquez and upon being put to a vote the motion passed.

**VOTING:**

"AYE" 5

"NAY"

"ABSTAIN"

**BUDGET AMENDMENT VI:** 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 recognizing the reimbursement of \$40,000.00 from LEAP to the Inspection Dept. for demolition of sub-standard structures.) (City Manager & Finance Director)*

Motion by Council Member Rudy Sauseda 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 Gloria Rodriquez and upon being put to a vote the motion passed.

**VOTING:**

"AYE" 5

"NAY"

"ABSTAIN"

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAMESA, TEXAS, AUTHORIZING THE CONVEYANCE OF VARIOUS PARCELS OF REAL PROPERTY HELD IN TRUST BY THE CITY OF LAMESA AND AUTHORIZING THE MAYOR OF THE CITY TO EXECUTE TAX DEEDS AND TO TAKE SUCH ACTIONS REQUIRED TO EFFECT THE CONVEYANCE OF SUCH REAL PROPERTY:** City Council to consider passing a Resolution authorizing the conveyance of various parcels of real property held in trust by the City of Lamesa and authorizing the Mayor of the City to execute tax deeds and to take such actions required to effect the conveyance of such real property. *(City Manager)*

Motion by Council Member Danny Jacobs to consider passing a Resolution authorizing the conveyance of various parcels of real property held in trust by the City of Lamesa and authorizing the Mayor of the City to execute tax deeds and to take such actions required to effect the conveyance of such real property. Motion seconded by Council Member Gloria Rodriguez and upon being put to a vote the motion passed.

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

**RENEWAL OF ATMOS FRANCHISE AGREEMENT:** City Council to consider approving an Ordinance on first reading for the renewal of the Atmos Franchise Agreement and authorizing the Mayor to execute all necessary documents. *(City Manager)*

Motion by Council Member Rudy Sauseda to approve an Ordinance on first reading for the renewal of the Atmos Franchise Agreement and authorizing the Mayor to execute all necessary documents. Motion seconded by Council Member Danny Jacobs and upon being put to a vote the motion passed.

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAMESA, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE EXECUTIVE COMMITTEE OF CITIES SERVED BY ATMOS WEST TEXAS ("CITIES") AND ATMOS ENERGY CORP., WEST TEXAS DIVISION REGARDING THE COMPANY'S 2023 RATE REVIEW MECHANISM;** City Council to consider passing a Resolution approving a negotiated settlement between the executive committee of Cities Served By Atmos West Texas ("CITIES") and Atmos Energy Corp., West Texas Division regarding the company's 2023 rate review mechanism.. *(City Manager)*

Motion by Council Member Rudy Sauseda to pass a Resolution approving a negotiated settlement between the Executive Committee of Cities served by Atmos West Texas ("Cities") and Atmos Energy Corp., West Texas Division regarding the company's 2023 Rate Review Mechanism Filings. Motion seconded by Council Member Danny Jacobs and upon being put to a vote the motion passed.

**VOTING:**

"AYE" 5

"NAY"

"ABSTAIN"

**WEST TEXAS CONSULTANTS ENGINEERING & GRANT SERVICES PROPOSAL:**

City Council to consider approving West Texas Consultants  
(WTC) Engineering Services. *(City Manager)*

Motion by Council Member Danny Jacobs to approve West Texas Consultant Engineering Services & Grant Services . Motion seconded by Council Member Gloria Rodriguez and upon being put to a vote the motion passed.

**VOTING:**

"AYE" 5

"NAY"

"ABSTAIN"

**CITY STAFF REPORTS:**

- a. **PARKS, STREETS, SANITATION/LANDFILL REPORT:** Director to report on the city's recent events. Robert Ramirez reported
- b. **UTILITIES DIRECTOR REPORT:** Utilities Director to report on the city's recent events  
Dinicio Garza Jr. reported.
- c. **GOLF COURSE REPORT:** Golf Course Superintendent to report on conditions and events at the Golf Course Victor Dimas reported.

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

**INVESTMENT REPORT:** Finance Director to report on the city's investments for the third quarter of FY 2022-2023.  
Wayne Chapman reported.

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

**MAYOR's REPORT:** Mayor to report on current activities.

**ADJOURNMENT:** *The next regularly scheduled meetings of the City Council of the City of Lamesa will be August 17, 2023, at 5:30 P.M.*

**ATTEST:**

**APPROVED:**

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Betty Conde  
City Secretary

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Josh Stevens  
Mayor



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

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

**August 17, 2023**

On this the 17th day of August 2023, at 5:30 P.M., there came on and was held a regularly called meeting of the City Council of the City of Lamesa, Dawson County, Texas. Notice of such meeting having been posted at the City Hall at 601 South First Street in the City of Lamesa, Texas in accordance with the provisions of the Texas Open Meetings Act (Texas Govt. Code, Chapter 551). The following items were listed on the notice and the following proceedings were had, viz.:

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

JOSH STEVENS	Mayor
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 A JR.	Council Member – District 6

City staff members present at the meeting:

JOE HINES	CITY MANAGER
BETTY CONDE	CITY SECRETARY
RUSSELL CASSELBERRY	CITY ATTORNEY

Members of the press present at the meeting:

Mary Elizabeth

Members of the public present at the meeting:

Wayne Chapman	Robert Ramirez	Irma Ramirez	Leticia Dimas
Josh Peterson	Irma Ramirez	Dinicio Garza Jr.	Sonia Vara
Brian Beck	Josh Peterson	Norma Garcia	

INVOCATION: Josh Stevens

**PUBLIC HEARING - FISCAL YEAR 2023 2024 ANNUAL BUDGET:** Convene a public hearing, in accordance with State Law (Local Government Code, Chapter 102, Section 102.006), to hear a report from the City Manager and to hear comments from the public regarding the proposed Annual Budget for Fiscal Year 2023-2024 beginning on October 1, 2023, and ending September 30, 2024. (*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***

*The public hearing opened at 5:35p.m. and ended at 5:45 p.m.*

**FISCAL YEAR OCTOBER 2023-2024 BUDGET - ADOPTION:** Consider passing an ordinance on first reading with record vote in accordance with State Law (Local Government Code, Chapter 102, Section 102.007) providing funds for the Fiscal Year beginning October 1, 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*)

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

**RECORD VOTE REQUIRED: VOTE BY SHOW OF HANDS**

VOTING

"AYE"

"NAY"

"ABSTAIN"

JOSH STEVENS	<u>√</u>	<u>      </u>	<u>      </u>
VACANT	<u>      </u>	<u>      </u>	<u>      </u>
FRED VERA	<u>√</u>	<u>      </u>	<u>      </u>
GLORIA V RODRIGUEZ	<u>√</u>	<u>      </u>	<u>      </u>
DANNY L JACOBS	<u>√</u>	<u>      </u>	<u>      </u>
BOBBY GONZALEZ	<u>√</u>	<u>      </u>	<u>      </u>
RUDY SAUSED JR	<u>√</u>	<u>      </u>	<u>      </u>

**PUBLIC HEARING - AD VALOREM TAX RATE – FY 2023/2024:** Public Hearing on a proposed property tax rate of \$.0.745187 for 2023. (*City Manager*)

*The mayor opened the public hearing at 5:46 p.m. and closed the public hearing at 5:47p.m.*

*The city council will vote on the Proposed Tax Rate on 1<sup>st</sup> reading on Tuesday, August 22, 2023.*

**ADJOURNMENT:** *The next regularly scheduled meetings of the City Council of the City of Lamesa will be August 22, 2023, at 5:30 P.M*

ATTEST:

APPROVED:

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

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



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

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

**August 22, 2023**

On this the 22nd day of August 2023, at 5:30 P.M., there came on and was held a regularly called meeting of the City Council of the City of Lamesa, Dawson County, Texas. Notice of such meeting having been posted at the City Hall at 601 South First Street in the City of Lamesa, Texas in accordance with the provisions of the Texas Open Meetings Act (Texas Govt. Code, Chapter 551). The following items were listed on the notice and the following proceedings were had, viz.:

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

JOSH STEVENS	Mayor
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	CITY ATTORNEY

Members of the press present at the meeting:

Mary Elizabeth

Members of the public present at the meeting:

Wayne Chapman	Robert Ramirez	Leticia Dimas	Norma Garcia
Josh Peterson	Irma Ramirez	Maria & Nick Guillen	
Larry Duyck	Brian Beck	Ernest Ogeda	Maurine & David Savage

**INVOCATION:**

**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)*

*Passed on agenda item #3 due to the new language that needs approval from Atmos legal department.*

**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)*

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

<b>VOTING:</b>	"AYE" 6	"NAY"	"ABSTAIN"
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**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)*

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

<b>VOTING:</b>	"AYE" 6	"NAY"	"ABSTAIN"
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**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)*

Motion by Council Member Bobby Gonzales to approve FY 2023/2024 LEDC and LEAP annual budgets. Motion seconded by Council Member Danny Jacobs and upon being put to a vote the motion passed.

<b>VOTING:</b>	"AYE" 6	"NAY"	"ABSTAIN"
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**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)

Motion by Council Member Fred Vera 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 Danny Jacobs and upon being put to a vote the motion passed.

**RECORD VOTE REQUIRED: VOTE BY SHOW OF HANDS**

VOTING	"AYE"	"NAY"	"ABSTAIN"
JOSH STEVENS	✓	_____	_____
VACANT	_____	_____	_____
FRED VERA	✓	_____	_____
GLORIA V RODRIGUEZ	✓	_____	_____
DANNY L JACOBS	✓	_____	_____
BOBBY GONZALEZ	✓	_____	_____
RUDY SAUSED A JR	✓	_____	_____

**RATIFY THE PROPERTY TAX INCREASE REFLECTED IN THE FISCAL YEAR 2023-2024 BUDGET:** Consider ratifying the property tax increase reflected in the Fiscal Year 2023-2024 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**

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

**RECORD VOTE REQUIRED: VOTE BY SHOW OF HANDS**

VOTING	"AYE"	"NAY"	"ABSTAIN"
JOSH STEVENS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VACANT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FRED VERA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GLORIA V RODRIGUEZ	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DANNY L JACOBS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BOBBY GONZALEZ	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RUDY SAUSEDA JR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**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 second 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 Danny Jacobs 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 Rudy Sauseda and upon being put to a vote the motion passed.

**RECORD VOTE REQUIRED: VOTE BY SHOW OF HANDS**

VOTING	"AYE"	"NAY"	"ABSTAIN"
JOSH STEVENS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VACANT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FRED VERA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GLORIA V RODRIGUEZ	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DANNY L JACOBS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BOBBY GONZALEZ	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RUDY SAUSED JR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**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 second 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)

***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 Bobby Gonzales 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 Gloria Rodriguez and upon being put to a vote the motion passed.

**RECORD VOTE REQUIRED: VOTE BY SHOW OF HANDS**

VOTING	"AYE"	"NAY"	"ABSTAIN"
JOSH STEVENS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VACANT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FRED VERA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

GLORIA V RODRIGUEZ  
DANNY L JACOBS  
BOBBY GONZALEZ  
RUDY SAUSED JR

✓  
✓  
✓  
✓

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**AD VALOREM TAX RATE – 2023:** Consider establishing an ad valorem tax rate for Fiscal Year 2023-2024 by passing an ordinance on second 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}.***

#### COUNCIL ACTION

DISCUSSION \_\_\_\_\_

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



**RECORD VOTE REQUIRED: VOTE BY SHOW OF HANDS**

VOTING	"AYE"	"NAY"	"ABSTAIN"
JOSH STEVENS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VACANT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FRED VERA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GLORIA V RODRIGUEZ	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DANNY L JACOBS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BOBBY GONZALEZ	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RUDY SAUSED JR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**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*)

*Bids were opened and will be awarded on September 12, 2023, at the regularly scheduled meeting.*

**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*)

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

Brian Beck the City Inspector spoke. Opened @ 6:15 and closed @ 6:15p.m.

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

**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*)

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

<b>VOTING:</b>	"AYE" 6	"NAY"	"ABSTAIN"
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**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.

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

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

ATTEST:

APPROVED:

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Betty Conde  
City Secretary

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Josh Stevens  
Mayor

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

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

**August 24, 2023**

On this the 24th day of August 2023, at 5:30 P.M., there came on and was held a regularly called meeting of the City Council of the City of Lamesa, Dawson County, Texas. Notice of such meeting having been posted at the City Hall at 601 South First Street in the City of Lamesa, Texas in accordance with the provisions of the Texas Open Meetings Act (Texas Govt. Code, Chapter 551). The following items were listed on the notice and the following proceedings were had, viz.:

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

JOSH STEVENS	Mayor
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 SAUSEDA JR.	Council Member – District 6

City staff members present at the meeting:

JOE HINES	CITY MANAGER
BETTY CONDE	CITY SECRETARY ABSENT
RUSSELL CASSELBERRY	CITY ATTORNEY

Members of the press present at the meeting:

Mary Elizabeth

Members of the public present at the meeting:

Wayne Chapman	Robert Ramirez	Irma Ramirez	Leticia Dimas	Norma Garcia
Josh Peterson	Irma Ramirez			
Larry Duyck	Brian Beck	Josh Peterson		

## INVOCATION:

**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 second 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 Bobby Gonzales 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 Gloria Rodriquez and upon being put to a vote the motion passed.

### RECORD VOTE REQUIRED: VOTE BY SHOW OF HANDS

VOTING	“AYE”	“NAY”	“ABSTAIN”
JOSH STEVENS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VACANT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FRED VERA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GLORIA V RODRIGUEZ	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DANNY L JACOBS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BOBBY GONZALEZ	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RUDY SAUSED A JR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**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 second 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)

**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 Rudy Sauseda 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 Danny Jacobs and upon being put to a vote the motion passed.

**RECORD VOTE REQUIRED: VOTE BY SHOW OF HANDS**

VOTING	"AYE"	"NAY"	"ABSTAIN"
JOSH STEVENS	✓	_____	_____
VACANT	_____	_____	_____
FRED VERA	✓	_____	_____
GLORIA V RODRIGUEZ	✓	_____	_____
DANNY L JACOBS	✓	_____	_____
BOBBY GONZALEZ	✓	_____	_____
RUDY SAUSED JR	✓	_____	_____

**AD VALOREM TAX RATE – 2023:** Consider establishing an ad valorem tax rate for Fiscal Year 2023-2024 by passing an ordinance on second 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}.**



## COUNCIL ACTION

### DISCUSSION

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

### **RECORD VOTE REQUIRED: VOTE BY SHOW OF HANDS**

VOTING	"AYE"	"NAY"	"ABSTAIN"
JOSH STEVENS	<u>√</u>	<u>      </u>	<u>      </u>
VACANT	<u>      </u>	<u>      </u>	<u>      </u>
FRED VERA	<u>√</u>	<u>      </u>	<u>      </u>
GLORIA V RODRIGUEZ	<u>√</u>	<u>      </u>	<u>      </u>
DANNY L JACOBS	<u>√</u>	<u>      </u>	<u>      </u>
BOBBY GONZALEZ	<u>√</u>	<u>      </u>	<u>      </u>
RUDY SAUSED JR	<u>√</u>	<u>      </u>	<u>      </u>

**REQUEST FOR A SPECIFIC USE PERMIT:** City Council to consider approving an Ordinance on second 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)*

Motion by Council Member Bobby Gonzales to consider approving an Ordinance on Second reading approving a Specific Use Permit for the following property located at 702

N. Main Avenue Lamesa, Texas 79331. Motion seconded by Council Member Gloria Rodriguez and upon being put to a vote the motion passed.

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

**BUDGET AMENDMENT VII:** 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 Lamesa PD Vehicle Maintenance repairs and equipment \$33,305.90.*) (City Manager & Finance Director)

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

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

**ADJOURNMENT:** *The next regularly scheduled meetings of the City Council of the City of Lamesa will be September 12, 2023, at 5:30 P.M*

ATTEST:

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

APPROVED:

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

# ***City Council Agenda***

***City of Lamesa, Texas***

**DATE OF MEETING: SEPTEMBER 12, 2023**

**AGENDA ITEM: 4**

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 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.

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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



Atmos Franchise Revised 8/21/23 – Atmos redline

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~~ received from the sale, transportation, and distribution by Atmos of natural gas within the City

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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-received~~ 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.

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(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 of activities in accordance with its tariff or applicable City ordinance. Atmos shall make a reasonable effort to notify its customers of planned service interruptions. 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

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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

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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-receipts~~ of Atmos ~~derived-received~~ 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 receipts derived-received~~ 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

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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.

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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 provided that~~ Atmos ~~shall file~~has filed with the Secretary of the City ~~a letter stating that Atmos accepts its~~ written acceptance of 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. ~~—O-11-17,~~ 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.

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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 of Lamesa

601 S. 1st

Lamesa, TX 79331

806-872-4322

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**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

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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 received from the sale, transportation, and distribution by Atmos of natural gas within the City limits

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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 received 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.

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(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 of activities in accordance with its tariff or applicable City ordinance. Atmos shall make a reasonable effort to notify its customers of planned service interruptions.

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



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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 receipts of Atmos received 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



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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 receipts received 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.

Atmos Franchise Revised 9-5-23- Atmos redline accepted.

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

Atmos Franchise Revised 9-5-23- Atmos redline accepted.

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, provided that Atmos has filed with the Secretary of the City its written acceptance of this Ordinance as adopted and

Atmos Franchise Revised 9-5-23- Atmos redline accepted.

agrees to comply with and be bound by all of the terms and conditions hereof. Upon this Ordinance becoming effective, this Ordinance shall supersede any and all prior ordinances of the City, including but not limited to Ordinance No. O-11-17, 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.

Atmos Franchise Revised 9-5-23- Atmos redline accepted.

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 of Lamesa

601 S. 1st

Lamesa, TX 79331

806-872-4322

# ***City Council Agenda***

***City of Lamesa, Texas***

**DATE OF MEETING: SEPTEMBER 12, 2023**

**AGENDA ITEM:5**

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

## **SUMMARY STATEMENT**

City Council to consider awarding the bid for the Scada Improvements and Support 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.**



**Eversolve Technologies**

\$179,790.88

User	Item	Per
Project #1	Elevated	\$9,218.00
	Wells	\$27,009.30
	Prison BP	\$43,452.43
	Annual Fee / User	\$1,800
	Programming	\$19,800.00
	Misc.	\$7,200.00
Project #2	Misc.	\$3,025.00
	Mobilization	\$11,500.00
	Contingency	4%
Project 1 Total		\$126,204.73

Project #2	Lift Station	\$44,943.00
	Annual Fee / User	\$1,800
	Programming	\$9,000.00
	Misc.	\$10,250.00
	Mobilization	\$5,000.00
Project #3	Contingency	13%
	Contingency	\$3,757.50
Project 2 Total		\$28,007.50

Project #3	WWTP	\$31,806.00
	Annual Fee / User	\$1,800
	Programming	\$8,820.00
	Misc.	\$9,258.65
	Mobilization	\$5,000.00
Project #4	Contingency	10%
	Contingency	\$2,500.00
Project 3 Total		\$25,578.65

**Annual support and contract**

Automation	Reg Time	\$160.00
Automation	After hours	\$275.00
Programmer	Reg Time	\$225.00
Programmer	After hours	\$325.00

Eversolve offer is legitimate and after careful review is lower because Eversolve intends to reuse our current Allen Bradley PLC's at the WWTP. The components are still functioning and have many years of useful life left in them. Eversolve feels they can adapt the current PLCs to their software and gives us a functional systems at a greatly reduce price then replacing all components. The wells and elevated tanks will have new components and that cost is reflected in their bid. The new PLC are made by IDEC. The price in the packet only included one (1) user and had to be increase to eleven (11) users. The City should be careful with using old components and should budget for replacements soon. Further bringing more than one system together and expecting it to function without issues is hard and has many problems. The price difference is hard to ignore. Staff feels that we can work with this company and make this retrofit work should the City Council agree.

**Parkhill**

\$421,914.00

User	Item	Per
Project #1	Elevated	\$31,434.00
	Wells	\$94,302.00
	Prison BP	\$49,482.00
	Annual Fee / User	\$0.00
	Programming	\$72,000.00
	Misc.	\$10,612.00
Project #2	Mobilization	\$12,736.00
	Contingency	4%
	Contingency	\$12,736.00
Project 1 Total		\$283,302.00

Project #2	Lift Station	\$44,943.00
	Annual Fee / User	\$0.00
	Programming	\$18,000.00
	Misc.	\$2,723.00
	Mobilization	\$2,697.00
Project #3	Contingency	4%
	Contingency	\$2,697.00
Project 2 Total		\$71,060.00

Project #3	WWTP	\$31,806.00
	Annual Fee / User	\$0.00
	Programming	\$30,000.00
	Misc.	\$1,928.00
	Mobilization	\$1,909.00
Project #4	Contingency	3%
	Contingency	\$1,909.00
Project 3 Total		\$67,552.00

**Annual support and contract**

Automation	Reg Time	\$176.00
Automation	After hours	\$176.00
Programmer	Reg Time	\$176.00
Programmer	After hours	\$176.00

The Parkhill Proposal is all new components that will match the new components at the new pumps stations and tanks. Using this option will give the City a complete system that no patches to overcome. This price within the budget I proposed to the Council. This not the low bid but meets all RFP requirements.

**Sitepro**

\$605,404.76

User	Item	Per
Project #1	Elevated	\$30,648.52
	Wells	\$117,030.00
	Prison BP	\$49,482.00
	Annual Fee / User	\$0
	Programming	\$24,250.00
	Misc.	\$0.00
Project #2	Mobilization	\$0.00
	Contingency	0%
	Contingency	\$0.00
Project 1 Total		\$256,810.52

Project #2	Lift Station	\$70,655.55
	Annual Fee / User	\$0
	Programming	\$13,500.00
	Misc.	\$3,750.00
	Mobilization	\$12,600.00
Project #3	Contingency	0%
	Contingency	\$0.00
Project 2 Total		\$104,255.55

Project #3	WWTP	\$204,538.69
	Annual Fee / User	\$0
	Programming	\$28,800.00
	Misc.	\$11,000.00
	Mobilization	\$0.00
Project #4	Contingency	0%
	Contingency	\$0.00
Project 3 Total		\$244,338.69

**Annual support and contract**

Automation	Reg Time	\$165.00
Automation	After hours	\$165.00
Programmer	Reg Time	\$165.00
Programmer	After hours	\$165.00

SITEPRO bid is just higher. They are a local company with offices in the Wolforth area. Further SITEPRO Components are Proprietary. If we do not renew our contract with them, we own the hard ware but the functionality is disabled. A new company would have to reprogram the component before they could be used. The software is unique to there system and may not adapt well to new programming. I would have trouble recommending them because of these item alone. SITEPRO feels that they were not treated fairly by my RFP and that Parkhill somehow had an advantage. They had access to anything they needed for several weeks before this RFP was due back and only asked for this during the last before it was due.

# ***City Council Agenda***

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

**DATE OF MEETING: SEPTEMBER 12, 2023**

**AGENDA ITEM: 6**

**SUBJECT: PUBLIC HEARING ANNEXATION – (RAIDER PUMP AND SUPPLY, INC.):**

**PROCEEDING:** Public Hearing  
**SUBMITTED BY:** Property Owner – Raider Pump and Supply, Inc.  
**EXHIBITS:** Application, map, service plan  
**AUTHORITY:** State Law; Local Govt. Code 43.028.

### **SUMMARY STATEMENT**

The Mayor to open the public hearing and announce that the service plan for extension of municipal services is available for inspection. The Mayor will ask if anyone desires to speak regarding the above – proposed annexation.

A 4.299 acre tract of land being all of Lots 11, 12, 53 and 54, and the North 45.00 feet of Lots 13 and 52, all in Block 1, and all of Lots 15 and 16, and the North 45.00 feet of Lot 17, Block 2, all in Industrial Addition to the City of Lamesa, Dawson County, Texas, as per plat recorded in Volume 2, Page 22, Plat records of Dawson County, Texas, together with that portion of closed alley between said Lots in Block 1 and closed street between said Blocks 1 and 2, as closed by the Commissioner's Court of Dawson County, Texas on May 28, 1996, recorded in Volume 472, Page 555, Deed Records of Dawson County, Texas and that portion of the South Plains Lamesa Railroad right-of-way conveyed to DEMA, Inc. by deed dated September 9, 1997 and recorded in Volume 511, Page 425, Deed Records of Dawson County, Texas, lying East of and adjacent to said lots, said 4.299 acre tract being more particularly described as follows:

BEGINNING at a ½" iron rod found in the Southeasterly right-of-way line of U.S. Highway 87 at the Southwest corner of the North 45.00 feet of said Lot 13, Block 1, Industrial Addition, for the Northwest corner of the South 55.00 feet of said Lot 13, Block 1, Industrial Addition, for the Southwest corner of this tract, from which a ½" iron rod with cap marked "NEWTON SURVEYING" found for the Southwest corner of said Block 1, Industrial Addition bears S.26°48'25"W. 2147.60 feet (bearings compared to the Texas Coordinate System of 1983, North Central Zone, distances, and area are surface);

THENCE N.26°48'25"E., along said highway right-of-way line and the Northwesterly line of said Industrial Addition, at 45.00 feet pass the Southwest corner of said Lot 12, Block 1, in all 245.00 feet to a "+" found in concrete for the Northwest corner of said Lot 11, and for the Northwest corner of this tract;

THENCE S.63°11'35"E., at 664.70 feet pass the Northeast corner of said Lot 15, Block 2, Industrial Addition, in all 764.22 feet to a ½" iron rod with cap marked "NEWTON SURVEYING" found in the Southeasterly line of said railroad right-of-way, for the Northeast corner of this tract;

THENCE S.26°45'21"W., along said Southeasterly railroad right-of-way line, 245.00 feet to a ½" iron rod with cap marked "NEWTON SURVEYING" found for the Southeast corner of this tract;

THENCE N.63°11'35"W., at 99.74 feet pass the Southeasterly line of said Industrial Addition, in all 764.44 feet to the PLACE OF BEGINNING;

That the use of said land is intended for use as retail sales and that Petitioner requests that said land be annexed into the City of Lamesa, Texas, in zoning district I-2 in accordance with the provisions of Chapter 14 of the Code of Ordinances of the City of Lamesa, Texas. (*City Manager*)

### **COUNCIL ACTION**

"FOR" the proposed annexation:

"AGAINST" the proposed annexation:

There being no other persons wishing to speak, the public hearing will be adjourned.

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

**Recommend approval.**

THE STATE OF TEXAS  
COUNTY OF DAWSON  
CITY OF LAMESA

PETITION FOR ANNEXATION INTO THE CITY LIMITS OF THE CITY OF LAMESA, TEXAS

To the Mayor and City Council of the City of Lamesa, Texas:

Comes now Raider Pump and Supply, Inc., a Texas corporation, and petitions the City Council of the City of Lamesa, Texas, to annex the hereinafter described land to the City of Lamesa, Dawson County, Texas, and for grounds therefor shows the following:

I.

That the hereinafter described land is less than one-half mile in width and is contiguous and adjacent to the City of Lamesa, Dawson County, Texas; is vacant and without residents or has fewer than three (3) qualified resident voters and as such is subject to annexation into the city limits of the City of Lamesa.

II.

That the land sought to be annexed and made part of the City of Lamesa, Dawson County, Texas, is described as follows:

A 4.299 acre tract of land being all of Lots 11, 12, 53 and 54, and the North 45.00 feet of Lots 13 and 52, all in Block 1, and all of Lots 15 and 16, and the North 45.00 feet of Lot 17, Block 2, all in Industrial Addition to the City of Lamesa, Dawson County, Texas, as per plat recorded in Volume 2, Page 22, Plat records of Dawson County, Texas, together with that portion of closed alley between said Lots in Block 1 and closed street between said Blocks 1 and 2, as closed by the Commissioner's Court of Dawson County, Texas on May 28, 1996, recorded in Volume 472, Page 555, Deed Records of Dawson County, Texas and that portion of the South Plains Lamesa Railroad right-of-way conveyed to DEMA, Inc. by deed dated September 9, 1997 and recorded in Volume 511, Page 425, Deed Records of Dawson County, Texas, lying East of and adjacent to said lots, said 4.299 acre tract being more particularly described as follows:

BEGINNING at a ½" iron rod found in the Southeasterly right-of-way line of U.S. Highway 87 at the Southwest corner of the North 45.00 feet of said Lot 13, Block 1, Industrial Addition, for the Northwest corner of the South 55.00 feet of said Lot 13, Block 1, Industrial Addition, for the Southwest corner of this tract, from which a ½" iron rod with cap marked "NEWTON SURVEYING" found for the Southwest corner of said Block 1, Industrial Addition bears S.26°48'25"W. 2147.60 feet (bearings compared to the Texas Coordinate System of 1983, North Central Zone, distances, and area are surface);

THENCE N.26°48'25"E., along said highway right-of-way line and the Northwesterly line of said Industrial Addition, at 45.00 feet pass the Southwest corner of said Lot 12, Block 1, in all 245.00 feet to a "+" found in concrete for the Northwest corner of said Lot 11, and for the Northwest corner of this tract;

THENCE S.63°11'35"E., at 664.70 feet pass the Northeast corner of said Lot 15, Block 2, Industrial Addition, in all 764.22 feet to a ½" iron rod with cap marked "NEWTON SURVEYING" found in the Southeasterly line of said railroad right-of-way, for the Northeast corner of this tract;

THENCE S.26°45'21"W., along said Southeasterly railroad right-of-way line, 245.00 feet to a ½" iron rod with cap marked "NEWTON SURVEYING" found for the Southeast corner of this tract;

THENCE N.63°11'35"W., at 99.74 feet pass the Southeasterly line of said Industrial Addition, in all 764.44 feet to the PLACE OF BEGINNING;

III.

That the said Raider Pump and Supply, Inc., is the owner of the above described land.

IV.

That the use of said land is intended for use as retail sales and that Petitioner requests that said land be annexed into the City of Lamesa, Texas, in zoning district I-1 BC in accordance with the provisions of Chapter 14 of the Code of Ordinances of the City of Lamesa, Texas.

I-2



V.

That petitioner understands and agrees:

- (a) That the annexation of said land into the City Limits shall include the dedicated streets and alleys adjacent to the land to be annexed and any utility easements abutting upon same; and
- (b) That the land annexed into the City Limits shall conform with the appropriate provisions of the Code of City Ordinances of the City Lamesa governing subdivisions, zoning and flood control; and that if the use of said land does not conform with said provisions, the annexation shall take place only after approval of the appropriate authority authorized to grant variances from said ordinances or to change the zoning district of said land; to wit, the Zoning Board of Appeals or the City Council upon recommendation of the Planning and Zoning Commission.
- (c) That City utilities and services shall be available to annexed land under the following conditions:
  - (1) City utility and other services shall only be available to a lot, block, subdivision, parcel of land or other measurement of territory annexed into the city limits of the City of Lamesa subject to the provisions of the Code of City Ordinances.
  - (2) Any lot, block, subdivision, parcel of land or other measurement of territory annexed into the city limits of the City of Lamesa and containing a residence or any other building with utility services shall be connected to the wastewater system subject to the provisions of the Code of City Ordinances.
  - (3) Water and sewer service extensions to any lot, block, subdivision, parcel of land or other measurement of territory annexed into the city limits of the City of Lamesa shall be subject to the provisions of the Code of City Ordinances.
- (d) That annexation into the City Limits shall be subject to preclearance by the U.S. Department of Justice in accordance with the provisions of the Voting Rights Act and shall not be considered final until such preclearance has been accomplished; and that any proceedings regarding annexation of said area shall be deemed void upon receipt of a notice effecting same; and that any action, including the extension of city utility services effected before the receipt of said notice, shall be withdrawn with no liability accruing to the city for withdrawing same, including any costs borne by the property owner connecting to city utilities or otherwise.

VI.

The undersigned warrants and represents that he has full authority to sign this petition on behalf of Petitioner and is, in fact, the person authorized to sign this Petition.

WHEREFORE, Petitioner prays that the above described land be annexed to and incorporated into the City of Lamesa, Dawson County, Texas, and that said land and any inhabitant thereof shall be entitled to all the rights and privileges of other citizens of the City of Lamesa, and the property so annexed shall bear its pro rata part of the taxes levied by the City of Lamesa, and the inhabitants thereof shall be bound by the acts, ordinances, resolutions, and regulations of the City of Lamesa.

Executed this 18<sup>th</sup> day of August, 2023.

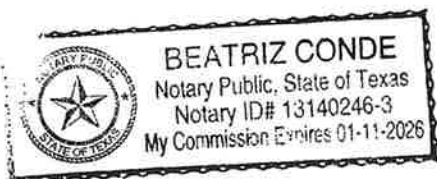
Raider Pump and Supply, Inc.

By: \_\_\_\_\_

Fabian J. Rubio, President

THE STATE OF TEXAS  
COUNTY OF DAWSON

This instrument was acknowledged before me on this the 18<sup>th</sup> day of August, 2023, by Fabian J. Rubio, as President of Raider Pump and Supply, Inc., a Texas corporation, on its behalf.



\_\_\_\_\_  
Notary Public, State of Texas

# **CERTIFICATE OF FILING OF ANNEXATION PETITION**

The above Petition for Annexation into the City Limits of the City of Lamesa, Texas , was filed with the City Secretary of Lamesa, Texas, on this the 18th day of August, 2023.

  
Betty Conde, City Secretary



**STATE OF TEXAS  
COUNTY OF DAWSON  
CITY OF LAMESA**

**SERVICE PLAN FOR ANNEXED AREA**

**WHEREAS, RAIDER PUMP AND SUPPLY, INC.** Owner of the hereinafter described property, did present to the Mayor and City Council of the City of Lamesa, Dawson County, Texas, a duly signed and acknowledged petition for annexation of certain property described below into the city limits of the City of Lamesa, Dawson County, Texas,

**WHEREAS,** Section 43.056 of the Local Government Code of the State of Texas requires that a plan of service be prepared, prior to the publication of notice of a hearing, providing for the extension of municipal services into the area to be annexed; and

**WHEREAS,** the following Service Plan has been prepared for said territory and is hereby presented for public inspection and for consideration by the City Council of the City of Lamesa, Dawson County, Texas.

**PURSUANT TO THE PROVISIONS OF SECTION 43.056 OF THE LOCAL GOVERNMENT CODE OF THE STATE OF TEXAS, THERE IS HEREBY PREPARED FOR THE FOLLOWING DESCRIBED PROPERTY THE FOLLOWING PLAN OF SERVICE:**

**SECTION I: AREA COVERED BY SERVICE PLAN.**

The following area to be annexed is covered by the provisions of this service plan:

**Legal Description:**

**TRACT ONE:** A 4.299 acre tract of land being all of Lots 11, 12, 53 and 54, and the North 45.00 feet of Lots 13 and 52, all in Block 1, and all of Lots 15 and 16, and the North 45.00 feet of Lot 17, Block 2, all in Industrial Addition to the City of Lamesa, Dawson County, Texas, as per plat recorded in Volume 2, Page 22, Plat records of Dawson County, Texas, together with that portion of closed alley between said Lots in Block 1 and closed street between said Blocks 1 and 2, as closed by the Commissioner's Court of Dawson County, Texas on May 28, 1996, recorded in Volume 472, Page 555, Deed Records of Dawson County, Texas and that portion of the South Plains Lamesa Railroad right-of-way conveyed to DEMA, Inc. by deed dated September 9, 1997 and recorded in Volume 511, Page 425, Deed Records of Dawson County, Texas, lying East of and adjacent to said lots, said 4.299 acre tract being more particularly described as follows:

**BEGINNING** at a ½" iron rod found in the Southeasterly right-of-way line of U.S. Highway 87 at the Southwest corner of the North 45.00 feet of said Lot 13, Block 1, Industrial Addition, for the Northwest corner of the South 55.00 feet of said Lot 13, Block 1, Industrial Addition, for the Southwest corner of this tract, from which a ½" iron rod with cap marked "NEWTON SURVEYING" found for the Southwest corner of said Block 1, Industrial Addition bears S.26°48'25"W. 2147.60 feet (bearings compared to the Texas Coordinate System of 1983, North Central Zone, distances, and area are surface);

**THENCE** N.26°48'25"E., along said highway right-of-way line and the Northwesterly line of said Industrial Addition, at 45.00 feet pass the Southwest corner of said Lot 12, Block 1, in all 245.00 feet to a "+" found in concrete for the Northwest corner of said Lot 11, and for the Northwest corner of this tract;

**THENCE S.63°11'35"E., at 664.70 feet pass the Northeast corner of said Lot 15, Block 2, Industrial Addition, in all 764.22 feet to a ½" iron rod with cap marked "NEWTON SURVEYING" found in the Southeasterly line of said railroad right-of-way, for the Northeast corner of this tract;**

**THENCE S.26°45'21"W., along said Southeasterly railroad right-of-way line, 245.00 feet to a ½" iron rod with cap marked "NEWTON SURVEYING" found for the Southeast corner of this tract;**

**THENCE N.63°11'35"W., at 99.74 feet pass the Southeasterly line of said Industrial Addition, in all 764.44 feet to the PLACE OF BEGINNING.**

## **SECTION II: PROVISION OF SERVICES.**

The City of Lamesa, Texas, hereby proposes to provide for the provision of municipal services to the area to be annexed. The City shall provide the services in accordance with the provisions of its Code of Ordinances regulating the extension of said services. This service plan does not propose a uniform level of full municipal services to the territory to be annexed if characteristics of topography, land use and population density are considered by the City as a sufficient basis for providing a different level of services. The following service plan shall constitute a program under which the City shall provide the following services in the area within sixty (60) days of the date of annexation.

### **1. Police Protection**

Patrolling, radio responses to calls, and other routine police services sing present personnel and equipment will be provided on the effective date of annexation.

### **2. Fire Protection**

Fire protection by present personnel and equipment of the fire fighting force, within the limitations of available water, will be provided on the effective date of annexation.

### **3. Solid Waste Collection**

The same regular solid waste collection service now provided within the city will be extended to the annexed area within sixty (60) days after the effective date of annexation.

### **4. Maintenance Of Water And Wastewater Facilities**

#### **a. Water Service**

Maintenance of existing city owned water lines in annexed areas will be in accordance with established policies of the city within sixty (60) days after the effective date of annexation.

#### **b. Wastewater Service.**

Maintenance of existing city owned wastewater lines will be in accordance with the established policies of the city within sixty (60) days after the effective date of annexation.

### **5. Maintenance Of Roads And Streets, Including Road And Street Lighting**

#### **a. Maintenance of Roads and Streets**

- (1)** Emergency maintenance of streets (repair of hazardous chuckholes, measures necessary for traffic flow, etc.) will begin on the effective date of annexation.

(2) Routine maintenance on the same basis as in the present city limits, will begin in the annexed area within sixty (60) days after the effective date of annexation.

(3) Reconstruction and resurfacing of streets, installation of storm drainage ditches, and other major improvements, as the need thereof is determined by the governing body, will be accomplished under the present established policies of the city.

**b. Street and Road Lighting**

Installed street lighting will be maintained in accordance with current standards.

**6. Maintenance Of Parks, Playgrounds And Swimming Pools**

**a. Parks and Playgrounds**

Residents of the annexed area may use existing parks and recreational facilities on the effective date of annexation.

**b. Swimming Pools**

Residents of the annexed area may use existing city owned swimming pool facilities on the effective date of annexation.

**7. Maintenance Of Any Other Publicly Owned Facility, Building Or Service**

**a. Inspection and code enforcement services**

Any inspection or code enforcement services now provided by the city (building, electrical, plumbing, etc.) will begin in the annexed area on the effective date of annexation.

**b. Planning and Zoning**

(1) The planning and zoning jurisdiction of the city will extend to the annexed area on the effective date of annexation.

(2) The area annexed will be zoned as **I-2 (Heavy Industrial)** on the effective date of annexation.

**SECTION III: EXTENSION OF SERVICES.**

The City of Lamesa, Texas, hereby proposes to provide for the extension of municipal services to the area to be annexed. The City shall provide the services in accordance with the provisions of its Code of Ordinances regulating the extension of said services. The City may provide full municipal services upon the effective date of the annexation or within 60 days after the annexation date but no later than 2 ½ years after the effective date of the annexation pursuant to Section 43.056 Local Government Code of the State of Texas.

**1. Extension Of Water And Wastewater Facilities**

**a. Water Service**

(1) Water for domestic, commercial, and industrial use will be provided at city rates, from existing city lines within two years of the date of annexation.

(2) Extension of water lines into annexed areas will be in accordance with city ordinances and such costs involved will be paid by the property owners.

**b. Wastewater Service.**

- (1) Adequate wastewater service to the area shall be supplied within two years, according to existing ordinances covering extension of utilities.
- (2) Properties in the annexed area will be connected to the intercepting and trunk wastewater lines in accordance with the established policies of the city, and such costs involved will be paid by the property owners.

**2. EXTENSION OF ROADS AND STREETS, INCLUDING ROAD AND STREET LIGHTING**

**a. Extension of Roads and Streets**

- (1) Construction of curbs and gutters and paving of streets will be at the expense of the property owner as provided for in city ordinances.
- (2) Traffic signals, traffic signs, street markings, and other traffic control devices will be installed as the need therefor is established by appropriate study and traffic standards.
- (3) Street name signs where needed, will be installed within two (2) years, after the effective date of annexation.

**b. Street and Road Lighting**


Street lighting will be installed in accordance with current standards at the time of petition to the governing body for placement of a street light.

**SECTION IV: APPROVAL AND TERM OF SERVICE PLAN**

1. Upon completion of the public hearings at which this service plan is presented for public inspection and consideration, this service plan shall be attached to the ordinance annexing the territory described above and approved as part of the ordinance.
2. This service plan shall become effective upon the final approval of the ordinance annexing the territory described above.
3. This service plan shall be valid for a period not to exceed ten years from the date of annexation.

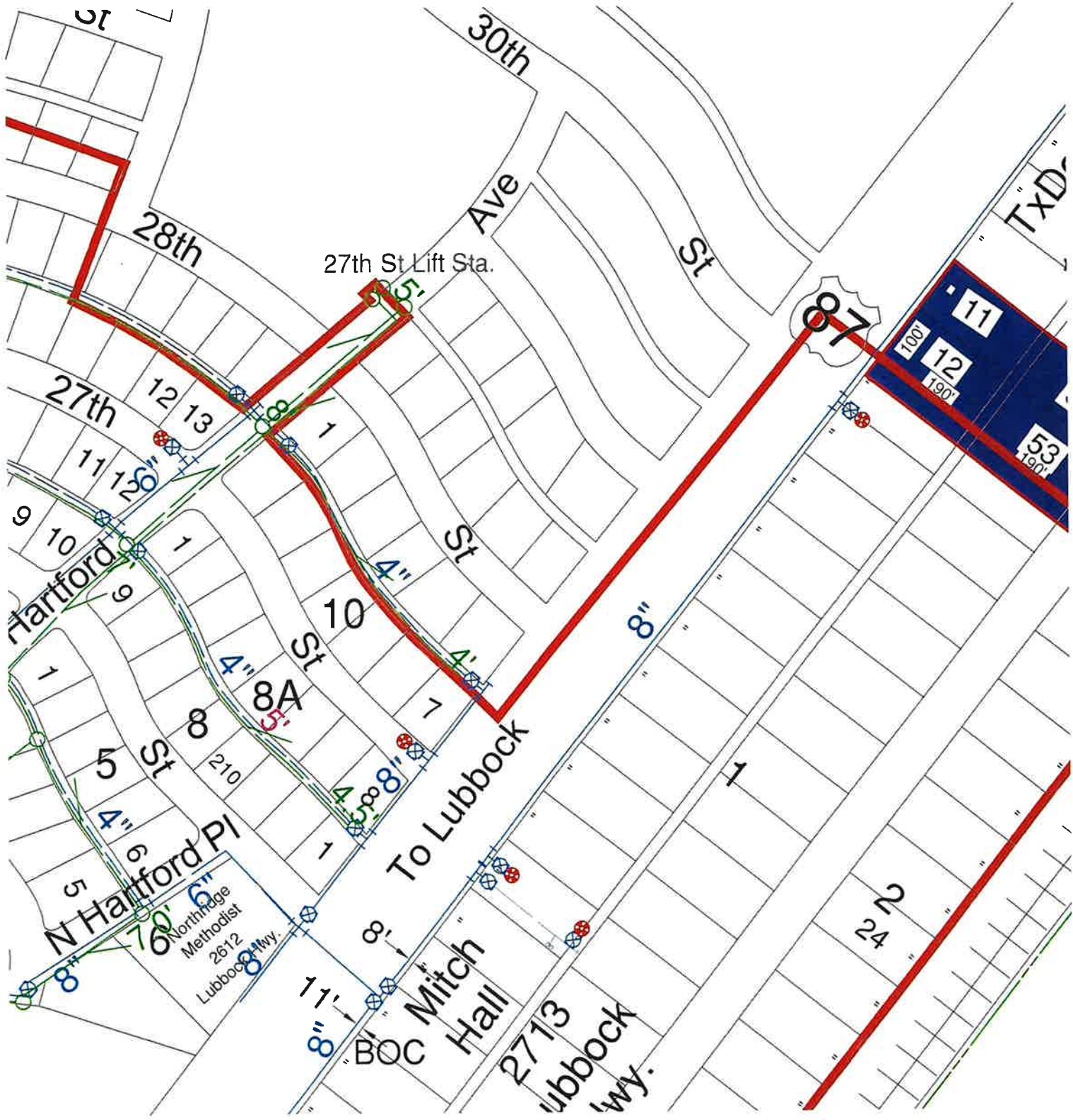
**SUBMITTED** on this the \_\_\_\_ day of \_\_\_\_\_, 2023, for public inspection and consideration and for approval by the City Council of the City of Lamesa, Dawson County, Texas.

**ATTEST:**

  
Betty Conde  
City Secretary

**SIGNED:**

  
Joe Hines  
City Manager





# ***City Council Agenda***

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

**DATE OF MEETING: SEPTEMBER 12, 2023**

**AGENDA ITEM: 7**

**SUBJECT: ANNEXATION - (RAIDER PUMP AND SUPPLY, INC.):**  
**PROCEEDING: Ordinance 1<sup>st</sup> reading**  
**SUBMITTED BY: Property Owner**  
**EXHIBITS: Application, map, service plan**  
**AUTHORITY: State Law; Local Govt. Code 43.028.**

### **SUMMARY STATEMENT**

Consider passing an Ordinance on First Reading annexing the following tract in accordance with State Law, on proposed annexation by the City of Lamesa, Texas of the following described property to-wit;

A 4.299 acre tract of land being all of Lots 11, 12, 53 and 54, and the North 45.00 feet of Lots 13 and 52, all in Block 1, and all of Lots 15 and 16, and the North 45.00 feet of Lot 17, Block 2, all in Industrial Addition to the City of Lamesa, Dawson County, Texas, as per plat recorded in Volume 2, Page 22, Plat records of Dawson County, Texas, together with that portion of closed alley between said Lots in Block 1 and closed street between said Blocks 1 and 2, as closed by the Commissioner's Court of Dawson County, Texas on May 28, 1996, recorded in Volume 472, Page 555, Deed Records of Dawson County, Texas and that portion of the South Plains Lamesa Railroad right-of-way conveyed to DEMA, Inc. by deed dated September 9, 1997 and recorded in Volume 511, Page 425, Deed Records of Dawson County, Texas, lying East of and adjacent to said lots, said 4.299 acre tract being more particularly described as follows:

BEGINNING at a ½" iron rod found in the Southeasterly right-of-way line of U.S. Highway 87 at the Southwest corner of the North 45.00 feet of said Lot 13, Block 1, Industrial Addition, for the Northwest corner of the South 55.00 feet of said Lot 13, Block 1, Industrial Addition, for the Southwest corner of this tract, from which a ½" iron rod with cap marked "NEWTON SURVEYING" found for the Southwest corner of said Block 1, Industrial Addition bears S.26°48'25"W. 2147.60 feet (bearings compared to the Texas Coordinate System of 1983, North Central Zone, distances, and area are surface);

THENCE N.26°48'25"E., along said highway right-of-way line and the Northwestern line of said Industrial Addition, at 45.00 feet pass the Southwest corner of said Lot 12, Block 1, in all 245.00 feet to a "+" found in concrete for the Northwest corner of said Lot 11, and for the Northwest corner of this tract;

THENCE S.63°11'35"E., at 664.70 feet pass the Northeast corner of said Lot 15, Block 2, Industrial Addition, in all 764.22 feet to a ½" iron rod with cap marked "NEWTON SURVEYING" found in the Southeasterly line of said railroad right-of-way, for the Northeast corner of this tract;



THENCE S.26°45'21"W., along said Southeasterly railroad right-of-way line, 245.00 feet to a ½" iron rod with cap marked "NEWTON SURVEYING" found for the Southeast corner of this tract;

THENCE N.63°11'35"W., at 99.74 feet pass the Southeasterly line of said Industrial Addition, in all 764.44 feet to the PLACE OF BEGINNING;

That the use of said land is intended for use as retail sales and that Petitioner requests that said land be annexed into the City of Lamesa, Texas, in zoning district I-2 in accordance with the provisions of Chapter 14 of the Code of Ordinances of the City of Lamesa, Texas. *(City Manager)*  
*(City Manager and Building Official)*

### COUNCIL ACTION

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

Motion by Council Member \_\_\_\_\_ to pass an Ordinance on First reading annexing the following tract in accordance with State Law, on proposed annexation by the City of Lamesa, Texas. Motion seconded by Council Member \_\_\_\_\_ and upon being put to a vote the motion \_\_\_\_\_.

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

### CITY MANAGER'S MEMORANDUM

**Recommend approval**

ORDINANCE No: \_\_\_\_\_

AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF LAMESA, DAWSON COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN THE CITY LIMITS, AND GRANTING TO SAID TERRITORY AND TO ALL FUTURE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF THE SAID CITY AND APPROVING THE SERVICE PLAN THEREUPON ATTACHED AND ZONING THE PROPERTY AS I-2.

On this the 12th day of September, 2023, there came on and was held at the regular meeting place, the City Hall in the City of Lamesa, Texas, an open meeting of the City Council of the City of Lamesa, Texas held pursuant to the provisions of the Texas Open Meetings Act (Govt. Code, Chapter 551), there being a quorum present and acting throughout the meeting, the following resolution was formally submitted by motion and duly seconded for the consideration and action of the meeting, to wit:

WHEREAS, the City Charter of the City of Lamesa, Texas provides that the limits of said city may be extended by adding additional territory to same whenever the majority of the qualified electors of said territory shall indicate a desire to be included within the limits of the City of Lamesa, Texas in the manner provided in Section 43.028 of the Local Government. Code of the State of Texas; and

WHEREAS, Red Raider Pump and Supply, Inc., owner(s) of the hereinafter described property did present to the City Council of the City of Lamesa a duly signed and acknowledged petition, bearing the date 18<sup>th</sup> day of August for annexation into the city limits of the City of Lamesa, Texas, the following described territory, to-wit:

**A 4.299 acre tract of land being all of Lots 11, 12, 53 and 54, and the North 45.00 feet of Lots 13 and 52, all in Block 1, and all of Lots 15 and 16, and the North 45.00 feet of Lot 17, Block 2, all in Industrial Addition to the City of Lamesa, Dawson County, Texas, as per plat recorded in Volume 2, Page 22, Plat records of Dawson County, Texas, together with that portion of closed alley between said Lots in Block 1 and closed street between said Blocks 1 and 2, as closed by the Commissioner's Court of Dawson County, Texas on May 28, 1996, recorded in Volume 472, Page 555, Deed Records of Dawson County, Texas and that portion of the South Plains Lamesa Railroad right-of-way conveyed to DEMA, Inc. by deed dated September 9, 1997 and recorded in Volume 511, Page 425, Deed Records of Dawson County, Texas, lying East of and adjacent to said lots, said 4.299 acre tract being more particularly described as follows:**

**BEGINNING at a ½" iron rod found in the Southeasterly right-of-way line of U.S. Highway 87 at the Southwest corner of the North 45.00 feet of said Lot 13, Block 1, Industrial Addition, for the Northwest corner of the South 55.00 feet of said Lot 13, Block 1, Industrial Addition, for the Southwest corner of this tract, from which a ½" iron rod with cap marked "NEWTON SURVEYING" found for the Southwest corner of said Block**

**1, Industrial Addition bears S.26°48'25"W. 2147.60 feet (bearings compared to the Texas Coordinate System of 1983, North Central Zone, distances, and area are surface);**

**THENCE N.26°48'25"E., along said highway right-of-way line and the Northwestern line of said Industrial Addition, at 45.00 feet pass the Southwest corner of said Lot 12, Block 1, in all 245.00 feet to a "+" found in concrete for the Northwest corner of said Lot 11, and for the Northwest corner of this tract;**

**THENCE S.63°11'35"E., at 664.70 feet pass the Northeast corner of said Lot 15, Block 2, Industrial Addition, in all 764.22 feet to a ½" iron rod with cap marked "NEWTON SURVEYING" found in the Southeasterly line of said railroad right-of-way, for the Northeast corner of this tract;**

**THENCE S.26°45'21"W., along said Southeasterly railroad right-of-way line, 245.00 feet to a ½" iron rod with cap marked "NEWTON SURVEYING" found for the Southeast corner of this tract;**

**THENCE N.63°11'35"W., at 99.74 feet pass the Southeasterly line of said Industrial Addition, in all 764.44 feet to the PLACE OF BEGINNING;**

WHEREAS, the City Council finds that said territory is less than one-half mile in width; and is contiguous and adjacent to the City of Lamesa, Dawson County, Texas; and is vacant and without residents or has fewer than three (3) qualified resident voters and as such is subject to annexation into the city limits of the City of Lamesa under the provisions of Section 43.028 of the Local Government Code; and

WHEREAS, the City of Lamesa, Texas has prepared a service plan that provides for the extension of municipal services into the area to be annexed, and such plan has been available for inspection by the inhabitants of the area to be annexed, and such service plan is hereby approved and attached and becomes as part of this ordinance; and

WHEREAS, two public hearings, where all interested persons were provided with an opportunity to be heard on the proposed annexation of the hereinabove described property was held at City Hall, 601 South First Street in the City of Lamesa, Texas at 10:00 a.m. and at 5:30 p.m. on 12<sup>th</sup> day of September, 2023 which date is not more than twenty days nor less than ten days prior to the institution of annexation proceeding's; and

WHEREAS, Notice of such public hearing was published in the Lamesa Press-Reporter, a newspaper of general circulation in the City of Lamesa, Texas on 1<sup>st</sup> day of September, 2023, which date is not more than twenty nor less than ten days prior to the date of such public hearing; and

WHEREAS, the City Council finds that the provisions of Chapter 43 of the Local Government Code of the State of Texas have been complied with; and

WHEREAS, this meeting is open to the public as required by law and public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, and

WHEREAS, the City Council of the City of Lamesa, Texas has determined that the annexation of said property will not have the effect nor result in denying the right to vote, nor unfairly dilute the voting strength of any person or group of persons on account of race, color, or language minority, and such City Council has directed the City Secretary of the City of Lamesa, Texas to comply with all preclearance provisions of Section 5 of the Voting Rights Act of 1965 (42 U.S.C. Sec. 1973); and

WHEREAS, said property is intended for use as retail sales, and shall be annexed into the City of Lamesa, Texas in zoning district I-2 in accordance with the provisions of Chapter 23 of the Code of Ordinance of the City of Lamesa, Texas; and

WHEREAS, after hearing such petition and the arguments for and against the same the City Council of the City of Lamesa, Texas has voted to grant such petition and to annex said territory to the City of Lamesa, Texas; and

WHEREAS, it is in the public interest and welfare that this ordinance be passed;

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

That the following described property, to-wit:

**A 4.299 acre tract of land being all of Lots 11, 12, 53 and 54, and the North 45.00 feet of Lots 13 and 52, all in Block 1, and all of Lots 15 and 16, and the North 45.00 feet of Lot 17, Block 2, all in Industrial Addition to the City of Lamesa, Dawson County, Texas, as per plat recorded in Volume 2, Page 22, Plat records of Dawson County, Texas, together with that portion of closed alley between said Lots in Block 1 and closed street between said Blocks 1 and 2, as closed by the Commissioner's Court of Dawson County, Texas on May 28, 1996, recorded in Volume 472, Page 555, Deed Records of Dawson County, Texas and that portion of the South Plains Lamesa Railroad right-of-way conveyed to DEMA, Inc. by deed dated September 9, 1997 and recorded in Volume 511, Page 425, Deed Records of Dawson County, Texas, lying East of and adjacent to said lots, said 4.299 acre tract being more particularly described as follows:**

**BEGINNING at a ½" iron rod found in the Southeasterly right-of-way line of U.S. Highway 87 at the Southwest corner of the North 45.00 feet of said Lot 13, Block 1, Industrial Addition, for the Northwest corner of the South 55.00 feet of said Lot 13, Block 1, Industrial Addition, for the Southwest corner of this tract, from which a ½" iron rod with cap marked "NEWTON SURVEYING" found for the Southwest corner of said Block 1, Industrial Addition bears S.26°48'25"W. 2147.60 feet (bearings compared to the Texas Coordinate System of 1983, North Central Zone, distances, and area are surface);**

**THENCE N.26°48'25"E., along said highway right-of-way line and the Northwesterly line of said Industrial Addition, at 45.00 feet pass the Southwest corner of said Lot 12, Block 1, in all 245.00 feet to a "+" found in concrete for the Northwest corner of said Lot 11, and for the Northwest corner of this tract;**

**THENCE S.63°11'35"E., at 664.70 feet pass the Northeast corner of said Lot 15, Block 2, Industrial Addition, in all 764.22 feet to a ½" iron rod with cap marked "NEWTON SURVEYING" found in the Southeasterly line of said railroad right-of-way, for the Northeast corner of this tract;**

**THENCE S.26°45'21"W., along said Southeasterly railroad right-of-way line, 245.00 feet to a ½" iron rod with cap marked "NEWTON SURVEYING" found for the Southeast corner of this tract;**

**THENCE N.63°11'35"W., at 99.74 feet pass the Southeasterly line of said Industrial Addition, in all 764.44 feet to the PLACE OF BEGINNING;**

be and the same is hereby annexed to the City of Lamesa, Dawson County, Texas, and that the boundary limits of the City of Lamesa, Texas be and the same are hereby extended to include the above described territory within the city limits of the City of Lamesa, Texas, and the same shall hereafter be included within the territorial limits of said city, and said land and future inhabitants thereof shall hereafter be entitled to all rights and privileges of other citizens of the City of Lamesa, Texas, and shall be bound by the acts and ordinances of said city, and that the service plan hereupon attached shall be approved as part of this ordinance, and that such property shall be zoned as I-2.

The City Secretary is hereby directed to file with the County Clerk of Dawson County, Texas a certified Copy of this ordinance.

Upon being put to a vote, the foregoing ordinance was Passed, on First Reading on September 12, 2023 by a majority vote; and then on October 17, 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 (Local Government. Code, Chapter 551); there being a quorum present and acting throughout the meeting, the foregoing ordinance was formally submitted by motion and duly seconded for the consideration and action of the meeting, and upon being put to a vote, the foregoing ordinance was Passed on Second and Final Reading and Adopted this October 17, 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:

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Betty Conde  
City Secretary

APPROVED:

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Josh Stevens  
Mayor

# **City Council Agenda**

*City of Lamesa, Texas*

**DATE OF MEETING: SEPTEMBER 12, 2023**

**AGENDA ITEM: 8**

**SUBJECT:** AN ORDINANCE GRANTING TO DAMIAN GALLEGOS DOING BUSINESS AS LAMESA RECYCLE THE RIGHT AND CONSENT FOR THE USE OF ITS PRESENT AND FUTURE STREETS AND ALLEYS IN SAID CITY UNDER REGULATIONS AND RESTRICTIONS AS STATED THEREIN AND PROVIDING THAT THE SAID CITY SHALL RECEIVE AN ANNUAL PAYMENT FOR SAME

**PROCEEDING:** Approval

**SUBMITTED BY:** City Staff

**EXHIBITS:** Ordinance, First Reading

## **SUMMARY STATEMENT**

City Council to consider passing an ordinance on first reading granting Damian Gallegos doing business as Lamesa Recycle the right and consent for the use of its present and future streets and alleys in said city under regulations and restrictions as stated therein and providing that the said city shall receive an annual payment for same. (City Manager)

## **COUNCIL ACTION**

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

Motion by Council Member \_\_\_\_\_ to pass an ordinance on first reading granting Damian Gallegos doing business as Lamessa Recycle the right and consent for the use of its present and future streets and alleys in said city under regulations and restrictions as stated therein and providing that the said city shall receive an annual payment for same. Motion seconded by Council Member \_\_\_\_\_ and upon being put to a vote the motion \_\_\_\_\_.

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

## **CITY MANAGER'S MEMORANDUM**

**Recommend approval.**



## ORDINANCE NO.

### **AN ORDINANCE GRANTING TO DAMIAN GALLEGOS DOING BUSINESS AS LAMESA RECYCLE THE RIGHT AND CONSENT FOR THE USE OF ITS PRESENT AND FUTURE STREETS AND ALLEYS IN SAID CITY UNDER REGULATIONS AND RESTRICTIONS AS STATED THEREIN AND PROVIDING THAT THE SAID CITY SHALL RECEIVE AN ANNUAL PAYMENT FOR SAME.**

On this the 12<sup>th</sup> day of September, 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:

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

Section 1. That the City of Lamesa, herein called "City", hereby grants its consent to the use of its present and future streets and alleys by Damian Gallegos doing business as , hereby called "Lamesa Recycle" , for the purposes of placing and maintaining in, along and across the present and future streets and alleys of the City of Lamesa, Texas, and its successors, collection bins and containers, with all necessary or desirable appurtenances, for its own use for the purpose of collecting recyclable materials within the City of Lamesa, said consent being granted for a term of two (2) years commencing October 17, 2023, and terminating without further notice on October 16, 2025.

Section 2. Collection bins and containers shall be so placed and maintained as to not unreasonably interfere with traffic over and across the City's streets and alleys.

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

Section 4. Lamessa Recycle shall hold the City harmless from all expense and liability for any act or negligence caused by the operations of Lamessa Recycle in connection with the operation of the recycling business within the City.

Section 5. In consideration of the grant of this privilege and franchise by the City and as full payment for the privilege of using and occupying the streets and alleys and other public places within the city, and in lieu of any and all occupation taxes, easements and franchise taxes (whether levied as an ad valorem, special, or other character of tax), and in lieu of license and inspection fees or charges, street taxes, street or alley rentals of whatsoever kind and character which the City may impose or hereafter be authorized or empowered by law to levy and collect (excepting only the usual or special ad valorem taxes which the City is authorized to levy and impose upon real and personal property),

Lamesa Recycle shall pay to the City of Lamesa, Texas, annually and on or before October 30th following each year of the term hereof, beginning October 30, 2024, an amount equivalent to one (1) percent (1%) of the gross revenues received by Lamesa Recycle during the preceding year from the recycling business within the corporate limits of the City. On or before the 30th day of October of each year hereafter, a report shall be filed with the City by Lamesa Recycle showing the gross revenues, as aforesaid, for the preceding year, and the payment made hereunder shall be based upon such report.

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

Section 7. Should Lamesa Recycle fail to substantially comply with the conditions of this franchise, the City shall have the right, by Ordinance duly passed therefore, to forfeit all the rights and franchises herein granted to Lamesa Recycle ; provided, however, the City shall give Lamesa Recycle thirty (30) days' notice in writing, specifying the conditions claimed to have been violated, and giving full and fair opportunity to be heard thereon, before declaring such forfeiture, which notice shall fairly and fully set out all of the conditions claimed and complained of, and shall be given by the said City and shall be signed by the City Secretary under the seal of the City, after having been properly authorized by the Mayor and governing body of the City; and further, provided, however, Lamesa Recycle shall have thirty (30) days after receiving such notice in which to rectify and correct such violations and to substantially comply with the terms and conditions of this Ordinance. Should any violation of this Ordinance so complained of not have been rectified and corrected and the terms and conditions of this Ordinance substantially completed with at the end of said thirty (30) days, then, and in that event, the City shall have the power to forfeit this franchise on account of the violations specified in such notice

Section 8. This Ordinance shall not become effective until Lamesa Recycle has accepted it in writing. Such acceptance shall be given to the City by Lamesa Recycle within 30 days after final passage hereof.

Upon being put to a vote, the foregoing ordinance was Passed on First Reading on the 12th day of September 2023, by a majority vote; and Passed on Second Reading this 17th day of October 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:

APPROVED:

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Betty Conde  
City Secretary

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Josh Stevens  
Mayor

# ***City Council Agenda***

***City of Lamesa, Texas***

**DATE OF MEETING: SEPTEMBER 12, 2023**

**AGENDA ITEM: 9**

**SUBJECT: BUDGET AMENDMENT VIII**

**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 amendments are for TML claims on a Wastewater Pickup and the Landfill Scale house.)*

## **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 12th day September 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:

	Revenues	Expenditures
Solid Waste (03)	\$18,019.27	\$18,019.27
Wastewater (20)	\$ 1,089.87	\$ 1,089.87

**SECTION 2.** Effective date: That this Ordinance shall become effective as of this September 19, 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 September 12, 2023, by a majority vote; and on September 19, 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:

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Betty Conde  
City Secretary

APPROVED:

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Josh Stevens  
Mayor



# CITY OF LAMESA

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

Date: August 28, 2023  
To: Betty Conde  
Thru: Finance Department  
From: Wayne Chapman, Finance Director

Subject: Budget Amendment

The following budget amendments are for TML claims on a Wastewater Pickup and the Landfill Scale House.

Landfill Scalehouse		
Insurance Proceeds	03-42210	\$18,019.27
Buildings	03-5212401	\$18,019.27
Wastewater Dept. Pickup		
Insurance Proceeds	20-44212	\$ 1,089.87
Vehicle Repair	20-7711504	\$ 1,089.87

Sincerely,

A handwritten signature in black ink that reads "Wayne Chapman". The signature is written in a cursive, flowing style.

Wayne Chapman  
Director of Finance



**CITY OF LAMESA**  
**BUDGET AMENDMENT – 2023- 8 FOR FY 2022/2023**

**SOLID WASTE MANAGEMENT FUND (3)**

The following budget amendments are for TML claims on a Wastewater Pickup and the Landfill Scale house.

Increase Revenues (03-42210) Insurance Proceeds	\$18,019.27
Increase Expenditures (03-5212401) Buildings	\$18,019.27

**WASTEWATER (20)**

Increase Revenues (20-44212) Insurance Proceeds	\$1,089.87
Increase Expenditures (20-7711504) Vehicle Repair	\$1,089.87

# **City Council Agenda**

*City of Lamesa, Texas*

**DATE OF MEETING: SEPTEMBER 12, 2023**

**AGENDA ITEM: 10**

**SUBJECT:** APPROVAL OF SALE OF REAL PROPERTY BY LAMESA  
ECONOMIC DEVELOPMENT CORPORATION  
**PROCEEDING:** Approval  
**SUBMITTED BY:** City Staff  
**EXHIBITS:** Contract of Sale

## **SUMMARY STATEMENT**

City Council to consider passing a resolution of a contract approving the sale of Lots 4, 8 and 9 of the Industrial Park Addition to the Original Town of Lamesa Dawson County, Texas to Peter Schmitt. (*EDC Director*)

## **COUNCIL ACTION**

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

Motion by Council Member to consider passing a resolution of a contract approving the sale of Lots 4, 8 and 9 of the Industrial Park Addition to the Original Town of Lamesa, Dawson County, Texas, to Peter Schmitt. Motion seconded by Council Member \_\_\_\_\_ and upon being put to a vote the motion \_\_\_\_\_

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

## **CITY MANAGER'S MEMORANDUM**

**Recommend approval.**

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAMESA, TEXAS,  
APPROVING THE SALE OF REAL PROPERTY LOCATED IN THE CITY OF LAMESA  
BY THE LAMESA ECONOMIC DEVELOPMENT CORPORATION TO PETER  
SCHMITT.**

On the 12th day of September, 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 resolution was formally submitted by motion and duly seconded for the consideration and action of the meeting, to-wit:

**WHEREAS**, the Lamesa Economic Development Corporation has deemed it in the best interest of the Lamesa Economic Development Corporation to sell the following described property to Peter Schmitt, on the terms and conditions set out in the Contract attached hereto, to-wit:

All of Lots 4, 8, and 9 of the Industrial Park Addition to the Original  
Town of Lamesa, Dawson County, Texas;

SUBJECT TO all valid, existing mineral reservations and conveyances and  
easements and rights-of-way, if any, affecting said property of record in the  
Office of the County Clerk of Dawson County, Texas; and

**WHEREAS**, the City Council of the City of Lamesa deems it in the best interest of the City of Lamesa to approve such purchase.

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

That the City Council of the City of Lamesa, Texas, hereby approves the sale of the above-described real property by the Lamesa Economic Development Corporation to Peter Schmitt, on the terms and conditions set out in the Contract attached hereto.

Upon being put to a vote, the resolution was Passed, Approved, and Adopted this 12<sup>th</sup> day of September 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 resolution book thereafter.

ATTEST:

APPROVED:

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Betty Conde, City Secretary

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Josh Stevens, Mayor

CONTRACT OF SALE

STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF DAWSON

THAT THIS IS EVIDENCE IN WRITING of a Contract of Bargain and Sale entered into this day by and between Lamesa Economic Development Corporation, Texas non-profit corporation, whose mailing address is 123 Main Avenue, Lamesa, Dawson County, Texas, herein called "Seller", and Peter Schmitt, the mailing address of which is 1410 County Road 30, Lamesa, Texas 79331, hereafter called "Buyer".

WITNESSETH:

1. PROPERTY: Seller is the owner of all of that real property located in Dawson County, Texas, (the "Property") which Seller hereby agrees to sell to Buyer, and Buyer hereby agrees to purchase, on the terms and conditions hereafter set forth, the Property being more particularly described as follows, to-wit:

All of Lots 4,8, and 9 of the Industrial Park Addition to the Original Town of Lamesa, Dawson County, Texas;

SUBJECT TO all valid, existing mineral reservations, minerals conveyances and easements and rights-of-way, if any, affecting said property of record in the Office of the County Clerk of Dawson County, Texas.

2. CONSIDERATION: The total consideration to be paid for the Property is the sum of \$5,000.00, to be paid in cash by Buyer to Seller at the time this transaction is closed.

3. TITLE: At the time this transaction is closed, Seller shall furnish to Buyer, at Seller's expense, a policy of owner's title insurance written by a reputable title insurance company, with said policy to insure good and indefeasible fee simple title to the Property in question in the Buyer in at least the amount of the consideration specified herein, and subject only to those matters which are contained in this contract. Within a reasonable time after the execution of this contract and prior to the closing of this transaction, Seller shall cause a title commitment for an owner's policy of title insurance to be issued and furnished to Buyer. Buyer shall have a reasonable time after the receipt of such commitment in which to examine the commitment. If the commitment contains any exceptions or title

defects other than the standard exceptions normally found in title insurance policies, any present liens which will be released prior to or contemporaneously with closing, or easement or right-of-way exceptions which constitute easements which are not actually visible on the ground, then Buyer shall notify Seller in writing of such objections to title. If Buyer approves the title commitment or if Seller agrees, in writing, to cure any title objections by Buyer, then this Contract will be in full force and effect. Seller is not obligated to cure any such objections, but if Seller agrees to cure any such objections, Seller shall immediately undertake reasonable action to cure all title objections to which Seller agrees to cure. If Seller does not agree to cure such title objections and Buyer rejects title, any escrow deposit will be returned to Buyer and this Contract shall be declared null and void at no further cost to either party. Buyer shall pay the premium for any mortgagee's title insurance policy.

4. TAXES: No ad valorem taxes are owed in connection with the Property for the year 2023. Buyer shall pay all ad valorem taxes owed in connection with the Property for the year 2024 and thereafter.

5. NO ESCROW: It is agreed that no escrow deposit shall be made, but that in the event either party to this contract, Seller or Buyer, defaults, with the other party not being in default, then the party not in default shall be entitled to have specific performance of this contract or, alternatively, to recover his damages from the party not in default and in either event to also recover reasonable attorney's fees in enforcing this contract or recovering such damages.

6. In the event this contract is not consummated by reason of the Seller's failure through no fault of Seller to provide indefeasible title, Buyer shall have the option of accepting such title as Seller may furnish for the consideration above specified or canceling this contract, in which event neither party shall be liable for damages, and if any escrow deposit has been made by either party to this contract, same shall be returned to the party making such deposit.

7. This contract is performable in all respects in Dawson County, Texas, and any suit to enforce same or to recover damages for the breach hereof shall be maintained in Dawson County, Texas.

8. Time is of the essence of this contract.

9. CLOSING: This transaction shall be closed in the office of Fulbright & Casselberry, 211 North Houston Avenue, Lamesa, Texas, or at any other place agreed to by Buyer and Seller, as soon as reasonably possible after Seller is in a position to furnish indefeasible title to the property.

10. POSSESSION: Buyer shall have possession of the Property upon the closing of this transaction.

11. NOTICE TO SELLER AND BUYER AS REQUIRED BY LAW. YOU ARE ADVISED THAT IF SELLER IS PROVIDING AN ABSTRACT, BUYER SHOULD HAVE THE ABSTRACT COVERING THE PROPERTY, IF ANY, EXAMINED BY AN ATTORNEY OF BUYER'S SELECTION, OR YOU ARE ADVISED THAT BUYER SHOULD BE FURNISHED WITH OR OBTAIN A TITLE POLICY. IF A TITLE POLICY IS TO BE OBTAINED, BUYER SHOULD OBTAIN A COMMITMENT FOR TITLE INSURANCE WHICH SHOULD BE EXAMINED BY AN ATTORNEY OF BUYER'S CHOICE AT OR PRIOR TO CLOSING.

12. Buyer and Seller agree that no broker or other real estate agent has been employed by either party to this agreement and no real estate commission is payable in connection with this transaction.

13. All costs not provided for elsewhere in this agreement shall be allocated in accordance with the usual and accepted custom in Dawson County, Texas, of allocating costs between Seller and Buyer.

14. At the time this transaction is closed, the Property shall be conveyed to Buyer by a Special Warranty Deed in the usual and customary form conveying indefeasible fee simple title to the Property, subject only to the matters permissible under the provisions of this contract and the exception and reservation to restrictions, mineral reservations and conveyances, easements and rights-of-way, if any, affecting said premises.

15. Buyer acknowledges that Seller's obligations hereunder are contingent upon this contract being approved by the City Council of the City of Lamesa, Texas.

DATED this the 28th day of August, 2023.



Seller

Lamesa Economic Development Corporation

By:

\_\_\_\_\_  
Bobby Gonzales, President

Buyer:

\_\_\_\_\_  
Peter Schmitt

# ***City Council Agenda***

***City of Lamesa, Texas***

**DATE OF MEETING: SEPTEMBER 12, 2023**

**AGENDA ITEM:11**

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**SUBJECT: CITY STAFF REPORTS**  
**SUBMITTED BY: City Staff**  
**EXHIBITS:**

## **SUMMARY STATEMENT**

City Council to hear city departmental reports:

- a. **UTILITIES DIRECTOR REPORT:** Utilities Director to report on the city's recent events
- b. **GOLF COURSE REPORT:** Golf Course Superintendent to report on conditions and events at the Golf Course

## **COUNCIL ACTION**

No City Council action required.

# ***City Council Agenda***

***City of Lamesa, Texas***

**DATE OF MEETING: SEPTEMBER 12, 2023**

**AGENDA ITEM: 12**

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**SUBJECT: CITY MANAGER REPORT**

**SUBMITTED BY: City Manager**

## **SUMMARY STATEMENT**

## **COUNCIL ACTION**

No City Council action required.

# ***City Council Agenda***

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

**DATE OF MEETING: SEPTEMBER 12, 2023**

**AGENDA ITEM: 13**

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**SUBJECT: MAYOR'S REPORT**

**SUBMITTED BY: Mayor**

### **SUMMARY STATEMENT**

Mayor to report on future events.

### **COUNCIL ACTION**

No City Council action required.

# ***City Council Agenda***

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

**DATE OF MEETING: SEPTEMBER 12, 2023**

**AGENDA ITEM: 14**

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**ADJOURNMENT:** Announcement by the Mayor - "The next regularly scheduled meetings of the City Council of the City of Lamesa will be **October 17th, 2023**, at 5:30 P.M."