



CITY COUNCIL AGENDA

NOTICE IS GIVEN THAT THE CITY COUNCIL OF THE CITY OF LAMESA, TEXAS, WILL MEET IN A REGULARLY SCHEDULED MEETING AT 5:30 P.M. ON TUESDAY, JANUARY 19, 2016, 601 SOUTH FIRST STREET, FOR THE PURPOSE OF CONSIDERING AND TAKING OFFICIAL ACTION ON THE FOLLOWING ITEMS:

1. **CALL TO ORDER:**
2. **INVOCATION:**
3. **CONSENT AGENDA:** All consent agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda. Information concerning consent agenda items is available for public review.
 - a. **APPROVAL OF THE MINUTES:** Approval of the minutes of the council meetings held on December 15, 2015 and January 4, 2016 (Emergency Meeting).
 - b. **BILLS FOR DECEMBER 2015:** Approval of the bills paid by the City of Lamesa for the months of December, 2015.
4. **2016 GENERAL ELECTION:** Consider passing a resolution ordering and establishing procedures for the City of Lamesa 2016 General Election and consolidation of districts for Mayoral election to be held on Saturday, May 7, 2016 at Forrest Park Community Center, 814 S. Houston Street, Lamesa, Texas.
5. **2016 LIVESTOCK PERMIT RENEWALS:** Consider renewal of livestock permits.
 - **1712 South 5th Street:** for keeping 2 horses and show pigs upon application of Cody Swafford.
6. **REQUEST FOR SPECIFIC USE PERMIT – 1001 SOUTH 6TH STREET:** Consider passing an ordinance on Second reading allowing a Specific Use Permit at 1001 South 6th Street for Residential rental for the front of the property and a Plasma Cutting Shop at the rear of the property for the following property: ALL OF LOT 1 IN BLOCK 19 OF THE LEE ADDITION TO the City of Lamesa, Dawson County, Texas.
7. **REQUEST FOR SPECIFIC USE PERMIT – 707 SOUTH AVENUE I:** Consider passing an ordinance on Second reading allowing a Specific Use Permit at 707 South Avenue I for *Metalogic Shop's* material storage for the following property: ALL OF LOT 7 AND THE WEST ONE-HALF OF LOT 8 BLOCK 18 OF THE LEE ADDITION TO the City of Lamesa, Dawson County, Texas.
8. **POLICY ON CONCEAL CARRY AND/OR OPEN CARRY OF HANDGUNS ON CITY OWNED PROPERTIES PER NEW TEXAS LEGISLATION:** Discussion of change in State law regarding carrying of handguns and discuss what the City Council wants the City policy to be regarding the carrying of handguns on City owned properties by citizens and the City policy regarding the carrying of handguns by employees acting within the scope of their duties.
9. **HISTORIC MURAL FROM OLD POST OFFICE:** Consider passing a resolution accepting the placement of historic mural (federally-owned art work) from Old Post Office, preserved by the - Weaver Foundation and to be publicly displayed at Forest Park Community Center or publicly displayed in a City owned-facility.

- 10. HEALTH INSURANCE UPDATE:** Discussion of funding options for FY 2015-2016 City Health Insurance Plan.
- 11. BUDGET AMENDMENT I:** Consider amending Ordinance No.O-14-15 on first reading with respect to October 1, 2015 fiscal year budget.
- 12. LEDC/LEAP FAÇADE IMPROVEMENT PROGRAM:** Consider approval of LEDC/LEAP Façade Improvement Program for FY 2015-2016 to be budgeted at \$35,000 annually.
- 13. LEDC/LEAP BUDGET AMENDMENT:** Consider amending the LEDC and LEAP FY 2015-2016 budgets to reflect \$35,000 in expenditures for Façade Improvement Program.
- 14. UTILITIES DIRECTOR REPORT:** Utilities Director to report on the city's recent events:
- a. CRMWA Waterline Repair (December 31st, 2015 – January 19, 2016)
- 15. INVESTMENT REPORT:** Finance Director to report on the city's investments for the first quarter of FY 2015-2016.
- 16. FINANCIAL REPORT:** Finance Director to report on the city's finances.
- 17. CITY MANAGER REPORT:** City Manager to report on current activities and answer questions from the City Council.
- Update on FY 2015/2016 Budget
 - City of Lamesa MSW Landfill – Type 1 & 4 Areas Report

18. ADJOURNMENT:

The next regularly scheduled meeting of the City Council of the City of Lamesa will be February 16th, 2016 at 5:30 P.M.

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: Norma Garcia at 806-872-4322

✉ 601 South First Street, Lamesa, Texas 79331

☎ Telephone - (806) 872-4322

☎ Fax - (806) 872-4338

CERTIFICATION OF NOTICE

I certify this agenda was posted at the City Hall, 601 South First Street, Lamesa, Texas at 4:45 p.m., January 15th, 2016 in accordance with Chapter 551.041 of the Government Code.

Norma Garcia, City Secretary



City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: JANUARY 19, 2016

AGENDA ITEMS: 1 & 2

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

The following members are present:

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

City Staff members present at the meeting:

SHAWNA D. BURKHART	City Manager
NORMA GARCIA	City Secretary
RUSSELL CASSELBERRY	Attorney

Members of the press present at the meeting:

Members of the public present at the meeting:

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



City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: JANUARY 19, 2016

AGENDA ITEM: 3

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

SUMMARY STATEMENT

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

- a. **APPROVAL OF THE MINUTES:** Approval of the minutes of the council meetings held on December 15, 2015 and January 4, 2016 (Emergency Meeting).
- b. **BILLS FOR DECEMBER 2015:** Approval of the bills paid by the City of Lamesa for the month of December, 2015.

COUNCIL ACTION

DISCUSSION _____

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

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

CITY MANAGER'S MEMORANDUM

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

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

**MINUTES OF THE CITY COUNCIL REGULARLY CALLED MEETING:
December 15, 2015**

On this the 15th day of December, 2015, at 5:31 P.M. there came on and was held a regularly called meeting of the City Council of the City of Lamesa, Dawson County, Texas. Notice of such meeting having been posted at the City Hall at 601 South First Street in the City of Lamesa, Texas in accordance with the provisions of the Texas Open Meetings Act (Texas Govt. Code, Chapter 551). The following items were listed on the notice and the following proceedings were had, viz.:

CALL TO ORDER: Mayor Nix announced that the meeting was being held in accordance with the provisions of the Texas Open Meetings Act (Texas Govt. Code, Chapter 551), and that discussion and actions are limited to the agenda items as posted. A quorum being present as evidenced by the presence 7 the Council Members were present:

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

City staff members present at the meeting:

SHAWNA D. BURKHART	CITY MANAGER
NORMA GARCIA	CITY SECRETARY
RUSSELL CASSELBERRY	CITY ATTORNEY

Members of the public present at the meeting:

Herrel Hallmark	Wayne Smith	Wayne Chapman	Leticia Dimas
Mark Mayfield	Robert Ramirez	Victor Dimas	Sylvia Dimas
Joey Rivas	Dale Alwan	Ernest Ogeda	Larry Duyck
Terri Stahl	Scott Leonard	Nathan Tafoya	

Invocation was given by Mayor Dave Nix.

APPOINTMENT – ELECTRICAL BOARD MEMBERS: Consider appointing Jim Clements and Joey Rivas to the Electrical Board, for a two (2) year term ending on December 2016. *(All terms expired December 2014. Mr. Clements and Mr. Rivas has agreed to serve.)*

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

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

APPOINTMENT – CITY SECRETARY/CITY TREASURER: Consider appointing Norma Garcia as City Secretary/City Treasurer of the City of Lamesa.

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

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

2016 LIVESTOCK PERMIT RENEWALS: Consider renewal of the following Livestock Permits for 2016:

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

Motion by Council Member Stevens to renew 2016 Livestock Permits. Motion seconded by Council Member Gonzales and upon being put to a vote the motion passed.

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

REQUEST FOR WAIVER OF LANDFILL FEES - 1609 N 2ND: Consider taking action to waive landfill tonnage fees for the tear down of a dilapidated structure at 1609 N 2nd.

After some discussion, no action was taken on this item.

PUBLIC HEARING FOR SPECIFIC USE PERMIT – 1001 SOUTH 6th STREET: Public Hearing to consider passing an ordinance allowing a Specific Use Permit at 1001 South 6th Street for Residential rental for the front of the property and a Plasma Cutting Shop at the rear of the property for the following property:

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

Mayor Dave Nix announced that the public hearing was now open and asked if anyone wished to address the city council with respect to the specific use permit of the above listed property.

There being no one to speak the Mayor closed the public hearing.

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

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

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

PUBLIC HEARING FOR SPECIFIC USE PERMIT – 707 SOUTH AVENUE I: Public Hearing to Consider passing an ordinance allowing a Specific Use Permit at 707 South Avenue I for *Metalogic Shop's* material storage for the following property:

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

Mayor Dave Nix announced that the public hearing was now open and asked if anyone wished to address the city council with respect to the specific use permit of the above listed property.

There being no one to speak the Mayor closed the public hearing.

REQUEST FOR SPECIFIC USE PERMIT – 1001 SOUTH 6th STREET: Consider passing an ordinance allowing a Specific Use Permit at 707 South Avenue I for *Metalogic Shop's* material storage for the following property:

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

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

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

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

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

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

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

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

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

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

No City Council action required.

POLICY ON CONCEAL CARRY AND/OR OPEN CARRY OF HAND GUNS ON CITY OWNED PROPERTIES PER NEW TEXAS LEGISLATION: Discussion of change in State law regarding carrying of handguns and discuss what the City Council wants the City policy to be regarding the carrying of handguns on City owned properties by citizens and the City policy regarding the carrying of handguns by employees acting within the scope of their duties.

After some discussion, no action was taken on this item.

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

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

FINANCIAL REPORT: Financial reports for November 2015 for City Council review and discussion.

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

- Northland Communication correspondence
- Update on Atmos Energy correspondence

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

- a. Ave Q (old school property)

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

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

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

ATTEST:

APPROVED:

Norma Garcia
City Secretary

Dave Nix
Mayor

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

**MINUTES OF THE CITY COUNCIL EMERGENCY MEETING:
JANUARY 4, 2016**

On this the 4th day of January, 2016, at 10:00 A.M. there came on and was held a emergency meeting of the City Council of the City of Lamesa, Dawson County, Texas. Notice of such meeting having been posted at the City Hall at 601 South First Street in the City of Lamesa, Texas in accordance with the provisions of the Texas Open Meetings Act (Texas Govt. Code, Chapter 551). The following items were listed on the notice and the following proceedings were had, viz.:

CALL TO ORDER: Mayor Nix announced that the meeting was being held in accordance with the provisions of the Texas Open Meetings Act (Texas Govt. Code, Chapter 551), and that discussion and actions are limited to the agenda items as posted. A quorum being present as evidenced by the presence 4 the Council Members were present:

DAVE NIX	MAYOR (CALL-IN)
MARIE BRISENO	COUNCIL MEMBER – DISTRICT 2
JOSH STEVENS	MAYOR PRO-TEM /COUNCIL MEMBER – DISTRICT 1
BOBBY G. GONZALES	COUNCIL MEMBER – DISTRICT 4

City staff members present at the meeting:

SHAWNA D. BURKHART	CITY MANAGER
NORMA GARCIA	CITY SECRETARY
RUSSELL CASSELBERRY	CITY ATTORNEY

Members of the public present at the meeting:

Herrel Hallmark	Larry Duyck	Terri Stahl	Juan Gomez
Jim Knight	Dionicio Garza Jr.	Letha Stokes	

EMERGENCY ITEM: CANADIAN RIVER MUNICIPAL WATER AUTHORITY WATER MAIN REPAIRS AND CITY'S WATER CONSERVATION MEASURES: Discussion of recent blowout of main aqueduct pipeline that provides water to all CRMWA member cities, timeline for repairs and City's water conservation measures that may be required.

Mayor Nix gave update from CRMWA Representative Kent Satterwhite stating that repairs had been made over the weekend and the water line was in the process of being filled.

ADJOURNMENT: *Announcement by the Mayor* – “The next regular meeting of the City Council of the City of Lamesa, Texas will be held at 5:30 p.m., on **Tuesday, JANUARY 19, 2016** at City Hall, 601 South First Street. Persons desiring to present business to the city council at that meeting are directed to submit a request in writing to the City Secretary by **Wednesday, JANUARY 13, 2016** in order to be included on the agenda. There being no other business, the meeting is hereby adjourned.”

ATTEST:

APPROVED:

Norma Garcia
City Secretary

Dave Nix
Mayor

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

1001 CASH IN BANK

BEGINNING BALANCE

12/01/15	12/01	A90670	CHK: 187421	11159	RICKY DON ARCHER	1		430.00CR	430.00CR
12/01/15	12/03	B49538	Misc 000001	08051	METER POSTAGE		JE# 019859	500.00CR	930.00CR
12/02/15	12/02	A90681	CHK: 000000	11160	INTERNAL REVENUE SERVICE	5832		31,594.09CR	32,524.09CR
12/02/15	12/02	A90683	CHK: 187423	11160	CAPROCK FEDERAL CREDIT U	1390		15,246.53CR	47,770.62CR
12/02/15	12/02	A90684	CHK: 187424	11160	PAYROLL FUND	3270		67,267.98CR	115,038.60CR
12/02/15	12/02	A90685	CHK: 187425	11160	RAMOS, ANGELA F.	4940		102.93CR	115,141.53CR
12/02/15	12/02	A90686	CHK: 187426	11160	TX CHILD SUPPORT SDU	5634		334.15CR	115,475.68CR
12/02/15	12/02	A90687	CHK: 187427	11160	TEXAS CHILD SUPPORT DISB	5811		184.62CR	115,660.30CR
12/02/15	12/02	A90688	CHK: 187428	11160	TX CHILD SUPPORT SDU	5829		115.38CR	115,775.68CR
12/02/15	12/02	A90689	CHK: 187429	11160	TEXAS CHILD SUPPORT DISB	5859		500.90CR	116,276.58CR
12/02/15	12/02	A90690	CHK: 187430	11160	TX CHILD SUPPORT SDU	5882		276.92CR	116,553.50CR
12/02/15	12/02	A90691	CHK: 187431	11160	AIRMEDCARE NETWORK	5975		30.00CR	116,583.50CR
12/02/15	12/02	A90692	CHK: 187432	11160	TX CHILD SUPPORT SDU	5982		113.08CR	116,696.58CR
12/02/15	12/02	A90693	CHK: 187433	11160	JAE FITNESS	6023		180.60CR	116,877.18CR
12/02/15	12/02	A90694	CHK: 187434	11160	TEXAS CHILD SUPPORT DISB	6036		230.77CR	117,107.95CR
12/02/15	12/02	A90695	CHK: 187435	11160	TX CHILD SUPPORT SDU	6059		46.15CR	117,154.10CR
12/02/15	12/02	A90696	CHK: 187436	11160	TX CHILD SUPPORT SDU	6061		76.15CR	117,230.25CR
12/02/15	12/02	A90697	CHK: 187437	11160	TEXAS CHILD SUPPORT SDU	6135		207.23CR	117,437.48CR
12/02/15	12/02	A90698	CHK: 187438	11160	TX CHILD SUPPORT SDU	6145		252.92CR	117,690.40CR
12/02/15	12/02	A90699	CHK: 187439	11160	TG	6222		113.12CR	117,803.52CR
12/02/15	12/02	A90735	CHK: 187441	11169	ADAMS PERFORMANCE COATIN	1012		89.44CR	117,892.96CR
12/02/15	12/02	A90736	CHK: 187442	11169	ADVANCED ANALYSIS & LAB	1022		772.00CR	118,664.96CR
12/02/15	12/02	A90737	CHK: 187443	11169	AUTOMATED CONTROLS	1140		502.00CR	119,166.96CR
12/02/15	12/02	A90738	CHK: 187444	11169	COPE SAND & GRAVEL	1520		834.00CR	120,000.96CR
12/02/15	12/02	A90739	CHK: 187445	11169	THE COUNTRY STORE	1540		18.90CR	120,019.86CR
12/02/15	12/02	A90740	CHK: 187446	11169	DPC INDUSTRIES INC	1570		1,603.56CR	121,623.42CR
12/02/15	12/02	A90741	CHK: 187447	11169	DATA FLOW	1587		496.00CR	122,119.42CR
12/02/15	12/02	A90742	CHK: 187448	11169	ATMOS ENERGY	1730		1,660.28CR	123,779.70CR
12/02/15	12/02	A90743	CHK: 187449	11169	LAMESA PRESS REPORTER	2590		430.95CR	124,210.65CR
12/02/15	12/02	A90744	CHK: 187450	11169	LYNTEGAR ELECTRIC COOP	2728		243.11CR	124,453.76CR
12/02/15	12/02	A90745	CHK: 187451	11169	QUILL CORPORATION	3430		444.86CR	124,898.62CR
12/02/15	12/02	A90746	CHK: 187452	11169	ROSE PLUMBING & SEPTIC	3560		22.44CR	124,921.06CR
12/02/15	12/02	A90747	CHK: 187453	11169	SOUTH PLAINS COMMUNICATI	3729		948.00CR	125,869.06CR
12/02/15	12/02	A90748	CHK: 187454	11169	WALMART COMMUNITY/GEGRB	4110		574.19CR	126,443.25CR
12/02/15	12/02	A90749	CHK: 187455	11169	WINDSTREAM COMMUNICATION	4460		1,683.28CR	128,126.53CR
12/02/15	12/02	A90751	CHK: 187457	11169	SALAZAR JANITORIAL SERVI	4610		900.00CR	129,026.53CR
12/02/15	12/02	A90752	CHK: 187458	11169	LOWE'S	4970		27.06CR	129,053.59CR
12/02/15	12/02	A90753	CHK: 187459	11169	THYSSENKRUPP ELEVATOR CO	5638		812.77CR	129,866.36CR
12/02/15	12/02	A90754	CHK: 187460	11169	GREAT AMERICA FINANCIAL	5734		728.81CR	130,595.17CR
12/02/15	12/02	A90755	CHK: 187461	11169	NORTHLAND COMMUNICATIONS	5800		80.64CR	130,675.81CR
12/02/15	12/02	A90756	CHK: 187462	11169	THOMSON REUTERS	5871		136.00CR	130,811.81CR
12/02/15	12/02	A90757	CHK: 187463	11169	KELLEY'S AUTOMOTIVE	5887		21.00CR	130,832.81CR
12/02/15	12/02	A90758	CHK: 187464	11169	DLL FINANCE LLC	5958		930.00CR	131,762.81CR

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

1001 CASH IN BANK * (CONTINUED) *

12/02/15	12/02	A90759	CHK: 187465	11169	PNC EQUIPMENT FINANCE,LL	5960				1,389.99CR	133,152.80CR
12/02/15	12/02	A90760	CHK: 187466	11169	TEXAS COMMISION ON ENVIR	6110				10,547.90CR	143,700.70CR
12/02/15	12/02	A90761	CHK: 187467	11169	SIERRA SPRINGS	6114				65.50CR	143,766.20CR
12/02/15	12/02	A90762	CHK: 187468	11169	THE PIT STOP AUTO DETAIL	6132				90.00CR	143,856.20CR
12/02/15	12/02	A90763	CHK: 187469	11169	PENGUIN MANAGEMENT, INC.	6226				157.50CR	144,013.70CR
12/02/15	12/02	A90765	CHK: 187471	11172	DAWSON CO. LIBRARY	1611				630.00CR	144,643.70CR
12/02/15	12/02	A90766	CHK: 187472	11172	HENRY NORRIS AGENCY	3190				920.00CR	145,563.70CR
12/02/15	12/02	A90767	CHK: 187473	11172	SOUTH PLAINS PUBLIC HEAL	3730				2,455.22CR	148,018.92CR
12/02/15	12/02	A90768	CHK: 187474	11172	VOLUNTEER FIRE DEPARTMEN	4090				400.00CR	148,418.92CR
12/02/15	12/02	A90769	CHK: 187475	11172	DUYCK LARRY	5777				200.00CR	148,618.92CR
12/02/15	12/02	A90770	CHK: 187476	11172	HERNANDEZ, PATRICIO F	5804				200.00CR	148,818.92CR
12/02/15	12/02	A90771	CHK: 187477	11172	DALE ALWAN	5983				200.00CR	149,018.92CR
12/02/15	12/02	A90772	CHK: 187478	11172	BOB THOMAS	5984				200.00CR	149,218.92CR
12/02/15	12/02	A90773	CHK: 187479	11172	JASON WILEY	6025				400.00CR	149,618.92CR
12/02/15	12/02	A90774	CHK: 187480	11172	CHARLES WHEELER	6229				200.00CR	149,818.92CR
12/02/15	12/03	A90784	CHK: 187482	11178	JASON WILEY	6025				200.00CR	150,018.92CR
12/02/15	1/14	B49898	Misc 000019	08100	KSB - 2012 MACK DUMP TRUCK		JE# 020006			27,972.79CR	177,991.71CR
12/04/15	12/04	A90994	CHK: 187484	11186	JOANNA VASQUEZ	1				50.00CR	178,041.71CR
12/04/15	12/04	A90995	CHK: 187485	11186	SAN JUAN JARAMILLO	1				50.00CR	178,091.71CR
12/04/15	12/04	A90996	CHK: 187486	11186	SHIRLEY NASH	1				250.00CR	178,341.71CR
12/04/15	12/04	A90997	CHK: 187487	11186	DESIREE MCCURLEY	1				50.00CR	178,391.71CR
12/04/15	12/04	A90998	CHK: 187488	11186	ELORA ROSALES	1				50.00CR	178,441.71CR
12/04/15	12/04	A90999	CHK: 187489	11186	CANADIAN RIVER MUNICIPAL	1385				60,690.63CR	239,132.34CR
12/04/15	12/04	A91000	CHK: 187490	11186	CODE ENFORCEMENT ASSOCIA	5440				40.00CR	239,172.34CR
12/04/15	12/04	A91001	CHK: 187491	11186	TEXAS STATE BOARD OF PLU	6097				55.00CR	239,227.34CR
12/04/15	12/04	A91002	CHK: 187492	11186	ISAAC LISCANO	6107				10.77CR	239,238.11CR
12/04/15	12/04	A91003	CHK: 187493	11186	SYLVIA T ORTIZ DAWSON CO	6133				21.00CR	239,259.11CR
12/04/15	12/04	A91004	CHK: 187494	11186	ERICA UBEDA	6140				250.00CR	239,509.11CR
12/04/15	12/04	A91005	CHK: 187495	11186	XAVIER R REYES JR.	6167				450.00CR	239,959.11CR
12/04/15	12/04	A91006	CHK: 187496	11186	JEANETTE PARRISH	6213				150.00CR	240,109.11CR
12/04/15	12/04	A91044	CHK: 187498	11195	LOST TEXAN CAFE	1				46.60CR	240,155.71CR
12/04/15	12/04	A91045	CHK: 187499	11195	B & J WELDING SUPPLY	1180				140.75CR	240,296.46CR
12/04/15	12/04	A91046	CHK: 187500	11195	REID BETHEL TIRE CO	1224				818.22CR	241,114.68CR
12/04/15	12/04	A91047	CHK: 187501	11195	BROCK VETERINARY CLINIC	1302				353.00CR	241,467.68CR
12/04/15	12/04	A91048	CHK: 187502	11195	CAIN ELECTRICAL SUPPLY	1383				1,735.17CR	243,202.85CR
12/04/15	12/04	A91049	CHK: 187503	11195	DACO	1580				14,451.80CR	257,654.65CR
12/04/15	12/04	A91050	CHK: 187504	11195	GIBBS PRINTING	2030				392.00CR	258,046.65CR
12/04/15	12/04	A91051	CHK: 187505	11195	TYLER TECHNOLOGIES	2310				20,038.65CR	278,085.30CR
12/04/15	12/04	A91052	CHK: 187506	11195	LAMESA BEARING, INC.	2480				149.32CR	278,234.62CR
12/04/15	12/04	A91053	CHK: 187507	11195	LAMESA STEAM LAUNDRY	2640				30.75CR	278,265.37CR
12/04/15	12/04	A91054	CHK: 187508	11195	LEATHERWOOD PLUMBING	2683				364.60CR	278,629.97CR
12/04/15	12/04	A91055	CHK: 187509	11195	PAYTON PLUMBING INC	3286				511.95CR	279,141.92CR
12/04/15	12/04	A91056	CHK: 187510	11195	WINDSTREAM COMMUNICATION	4460				58.29CR	279,200.21CR
12/04/15	12/04	A91057	CHK: 187511	11195	DELL MARKETING LP	4660				73.08CR	279,273.29CR
12/04/15	12/04	A91058	CHK: 187512	11195	LUBBOCK TRUCK SALES, INC	5085				1,155.07CR	280,428.36CR
12/04/15	12/04	A91059	CHK: 187513	11195	MANDRY TECHNOLOGY SOLUTI	5160				6,058.84CR	286,487.20CR
12/04/15	12/04	A91060	CHK: 187514	11195	STATE RUBBER & ENVIRONME	5315				1,275.00CR	287,762.20CR

FUND : 01 -GENERAL FUND

PERIOD TO USE: Dec-2015 THRU Dec-2015

DEPT : N/A

ACCOUNTS: 1001 THRU 1001

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

1001 CASH IN BANK * (CONTINUED) *

POST	DATE	TRAN #	REFERENCE	PACKET=====DESCRIPTION=====	VEND	INV/JE #	NOTE	=====AMOUNT=====	=====BALANCE=====
12/04/15	12/04	A91061	CHK: 187515	11195 SKTR, INC.		5798		994.90CR	288,757.10CR
12/04/15	12/04	A91062	CHK: 187516	11195 NAPA AUTO PARTS		5833		944.79CR	289,701.89CR
12/04/15	12/04	A91064	CHK: 187518	11195 WILL'S CONST.		5844		1,128.00CR	290,829.89CR
12/04/15	12/04	A91065	CHK: 187519	11195 LAMESA RECYCLING		5869		110.20CR	290,940.09CR
12/04/15	12/04	A91066	CHK: 187520	11195 GDF SUEZ ENERGY RESOURCE		5905		106.56CR	291,046.65CR
12/04/15	12/04	A91067	CHK: 187521	11195 GONZALES WELDING		6254		960.00CR	292,006.65CR
12/04/15	12/04	A91068	CHK: 187522	11195 C & M AIR COOLED ENGINE,		6255		205.51CR	292,212.16CR
12/04/15	12/04	A91069	CHK: 187523	11195 CRAWFORD RADIATOR SHOP		6259		325.00CR	292,537.16CR
12/04/15	12/04	A91070	CHK: 187524	11195 BASELINE		6270		199.00CR	292,736.16CR
12/04/15	12/04	A91071	CHK: 187525	11195 WESTERN STAR SECURITY &		6271		2,936.44CR	295,672.60CR
12/08/15	12/08	A91107	CHK: 187548	11201 GLORIA CERNA		1		550.00CR	296,222.60CR
12/08/15	12/08	A91108	CHK: 187549	11201 MATTHEW BENDER & CO. INC		2950		656.71CR	296,879.31CR
12/08/15	12/08	A91109	CHK: 187550	11201 SPAG		5597		579.67CR	297,458.98CR
12/08/15	12/08	A91110	CHK: 187551	11201 OGEDA, ERNEST		5617		76.57CR	297,535.55CR
12/08/15	12/08	A91111	CHK: 187552	11201 CITY OF LAMESA HEALTH IN		5790		50,000.00CR	347,535.55CR
12/09/15	12/09	A91153	CHK: 187554	11215 SYLVIA I ORTIZ DAWSON CO		6133		15.00CR	347,550.55CR
12/09/15	12/11	B49614	Misc 000002	08062 METER POSTAGE			JE# 019899	500.00CR	348,050.55CR
12/10/15	12/10	A91169	CHK: 187556	11216 BIG COUNTRY BG		1226		430.50CR	348,481.05CR
12/10/15	12/10	A91170	CHK: 187557	11216 DACO		1580		1,632.00CR	350,113.05CR
12/10/15	12/10	A91171	CHK: 187558	11216 DAVIS FURNITURE COMPANY		1600		443.74CR	350,556.79CR
12/10/15	12/10	A91173	CHK: 187560	11216 GEBO'S DISTRIBUTING		2000		1,068.77CR	351,625.56CR
12/10/15	12/10	A91175	CHK: 187562	11216 HIGGINBOTHAM'S GENERAL O		2180		1,214.38CR	352,839.94CR
12/10/15	12/10	A91177	CHK: 187564	11216 LAMESA BUTANE COMPANY		2500		71.42CR	352,911.36CR
12/10/15	12/10	A91178	CHK: 187565	11216 LUBBOCK GRADER BLADE, IN		2706		4,129.95CR	357,041.31CR
12/10/15	12/10	A91179	CHK: 187566	11216 SOUTH PLAINS COMMUNICATI		3729		13,510.00CR	370,551.31CR
12/10/15	12/10	A91180	CHK: 187567	11216 DELL MARKETING LP		4660		224.04CR	370,775.35CR
12/10/15	12/10	A91181	CHK: 187568	11216 AMERICAN EXPRESS		4880		4,010.45CR	374,785.80CR
12/10/15	12/10	A91183	CHK: 187570	11216 LUBBOCK TRUCK SALES, INC		5085		1,155.07CR	375,940.87CR
12/10/15	12/10	A91184	CHK: 187571	11216 TASCOSA OFFICE MACHINES		5115		2,566.11CR	378,506.98CR
12/10/15	12/10	A91186	CHK: 187573	11216 SKTR, INC.		5798		1,179.90CR	379,686.88CR
12/10/15	12/10	A91187	CHK: 187574	11216 GUARDIAN-APPLETON		6141		308.34CR	379,995.22CR
12/10/15	12/10	A91188	CHK: 187575	11216 PRO VISION VIDEO SYSTEMS		6185		241.85CR	380,237.07CR
12/10/15	12/10	A91189	CHK: 187576	11216 SMITH FANS INC,		6248		6,250.00CR	386,487.07CR
12/10/15	12/10	A91198	CHK: 187578	11221 LUBBOCK GRADER BLADE, IN		2706		4,209.50CR	390,696.57CR
12/10/15	12/10	A91202	CHK: 187580	11223 DACO		1580		2,227.19CR	392,923.76CR
12/10/15	12/10	A91206	CHK: 187582	11229 REID BETHEL TIRE CO		1224		521.36CR	393,445.12CR
12/10/15	12/10	A91207	CHK: 187583	11229 DACO		1580		14,451.80CR	407,896.92CR
12/10/15	12/10	A91208	CHK: 187584	11229 LAMESA TIRE & BATTERY		2645		528.90CR	408,425.82CR
12/10/15	12/10	A91209	CHK: 187585	11229 LUBBOCK TRUCK SALES, INC		5085		692.13CR	409,117.95CR
12/10/15	12/10	A91210	CHK: 187587	11228 MATTHEW HERNANDEZ		1		170.00CR	409,287.95CR
12/10/15	12/10	A91211	CHK: 187588	11228 TROUT PROGRAM		1		1,950.00CR	411,237.95CR
12/10/15	12/10	A91212	CHK: 187589	11228 TEXAS MUNICIPAL CLERKS C		5065		148.00CR	411,385.95CR
12/10/15	12/10	A91213	CHK: 187590	11228 TML TEXAS MUNICIAL LEAGU		5120		1,943.00CR	413,328.95CR
12/10/15	12/10	A91214	CHK: 187591	11228 TEXAS CITY MANAGEMENT AS		5573		330.00CR	413,658.95CR
12/10/15	12/10	A91215	CHK: 187592	11228 COVENANT HEALTH SYSTEM		5677		250.00CR	413,908.95CR
12/10/15	12/10	A91216	CHK: 187593	11228 GREAT AMERICA FINANCIAL		5734		167.00CR	414,075.95CR
12/10/15	12/10	A91217	CHK: 187594	11228 FORENSIC NURSE STAFFING		5776		517.00CR	414,592.95CR

FUND : 01 -GENERAL FUND

PERIOD TO USE: Dec-2015 THRU Dec-2015

DEPT : N/A

ACCOUNTS: 1001 THRU 1001

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

1001 CASH IN BANK * (CONTINUED) *

12/10/15	12/10	A91218	CHK: 187595	11228	SOUTH PLAINS CHAPTER OF	5819		20.00CR	414,612.95CR
12/10/15	12/10	A91219	CHK: 187596	11228	PETE GONZALEZ	6016		450.00CR	415,062.95CR
12/10/15	12/10	A91220	CHK: 187597	11228	ERICA UBEDA	6140		550.00CR	415,612.95CR
12/11/15	12/11	A91225	CHK: 187599	11235	LAMESA MAILING & PACKING	2588		114.76CR	415,727.71CR
12/11/15	12/11	A91226	CHK: 187600	11235	WARREN CAT	4122		6,289.33CR	422,017.04CR
12/11/15	12/11	A91229	CHK: 187602	11238	PARKHILL,SMITH & COOPER	3263		2,918.37CR	424,935.41CR
12/11/15	12/11	A91230	CHK: 187603	11238	THOMSON REUTERS	5871		303.16CR	425,238.57CR
12/15/15	12/15	A91232	CHK: 000000	11231	INTERNAL REVENUE SERVICE	5832		1,079.68CR	426,318.25CR
12/15/15	12/15	A91234	CHK: 187605	11231	PAYROLL FUND	3270		6,025.00CR	432,343.25CR
12/15/15	12/15	A91235	CHK: 000000	11242	INTERNAL REVENUE SERVICE	5832		32,037.22CR	464,380.47CR
12/15/15	12/15	A91237	CHK: 187607	11242	CAPROCK FEDERAL CREDIT U	1390		15,663.59CR	480,044.06CR
12/15/15	12/15	A91238	CHK: 187608	11242	PAYROLL FUND	3270		68,306.66CR	548,350.72CR
12/15/15	12/15	A91239	CHK: 187609	11242	RAMOS, ANGELA F.	4940		102.93CR	548,453.65CR
12/15/15	12/15	A91240	CHK: 187610	11242	TX CHILD SUPPORT SDU	5634		334.15CR	548,787.80CR
12/15/15	12/15	A91241	CHK: 187611	11242	TEXAS CHILD SUPPORT DISB	5811		184.62CR	548,972.42CR
12/15/15	12/15	A91242	CHK: 187612	11242	TX CHILD SUPPORT SDU	5829		115.38CR	549,087.80CR
12/15/15	12/15	A91243	CHK: 187613	11242	TEXAS CHILD SUPPORT DISB	5859		500.90CR	549,588.70CR
12/15/15	12/15	A91244	CHK: 187614	11242	TX CHILD SUPPORT SDU	5882		276.92CR	549,865.62CR
12/15/15	12/15	A91245	CHK: 187615	11242	AIRMEDCARE NETWORK	5975		30.00CR	549,895.62CR
12/15/15	12/15	A91246	CHK: 187616	11242	TX CHILD SUPPORT SDU	5982		113.08CR	550,008.70CR
12/15/15	12/15	A91247	CHK: 187617	11242	JAE FITNESS	6023		166.36CR	550,175.06CR
12/15/15	12/15	A91248	CHK: 187618	11242	TEXAS CHILD SUPPORT DISB	6036		230.77CR	550,405.83CR
12/15/15	12/15	A91249	CHK: 187619	11242	TX CHILD SUPPORT SDU	6059		46.15CR	550,451.98CR
12/15/15	12/15	A91250	CHK: 187620	11242	TX CHILD SUPPORT SDU	6061		76.15CR	550,528.13CR
12/15/15	12/15	A91251	CHK: 187621	11242	TG	6222		113.12CR	550,641.25CR
12/15/15	12/15	A91253	CHK: 187623	11241	JOSE GUTIERREZ	1		50.00CR	550,691.25CR
12/15/15	12/15	A91254	CHK: 187624	11241	FULBRIGHT & CASSELBERRY	2090		1,180.00CR	551,871.25CR
12/15/15	12/15	A91255	CHK: 187625	11241	TTUHSC-DEPT OF PSYCHIATR	3962		632.80CR	552,504.05CR
12/15/15	12/15	A91256	CHK: 187626	11241	FRANKLIN LEGAL PUBLISHIN	5794		1,875.00CR	554,379.05CR
12/15/15	12/15	A91257	CHK: 187627	11241	STAHL,TERRI	5940		204.70CR	554,583.75CR
12/15/15	12/15	A91258	CHK: 187628	11241	VERIZON WIRELESS	5969		1,260.63CR	555,844.38CR
12/15/15	12/15	A91260	CHK: 187630	11241	TEXAS COMMISSION ON LAW	6070		175.00CR	556,019.38CR
12/15/15	12/15	A91261	CHK: 187631	11241	THE POLICE AND SHERIFFS	6106		32.49CR	556,051.87CR
12/15/15	12/15	A91262	CHK: 187632	11241	JOSEPH GARCIA	6266		130.00CR	556,181.87CR
12/16/15	12/16	A91264	CHK: 187634	11244	LAMESA CHAMBER OF COMMER	1457		3,270.00CR	559,451.87CR
12/16/15	12/16	A91270	CHK: 187636	11246	POSTMASTER	3390		1,500.00CR	560,951.87CR
12/17/15	12/17	A91274	CHK: 187638	11247	LAMESA CHAMBER OF COMMER	1457		6,000.00CR	566,951.87CR
12/17/15	12/17	A91275	CHK: 187639	11247	LAMESA ECONOMIC DEVELOPM	2555		18,862.82CR	585,814.69CR
12/17/15	12/17	A91276	CHK: 187640	11247	TASCOSA OFFICE MACHINES	5115		27.50CR	585,842.19CR
12/17/15	12/17	A91277	CHK: 187641	11247	DPS GENERAL SERVICES BUR	5610		150.00CR	585,992.19CR
12/17/15	12/17	A91278	CHK: 187642	11247	LAMESA ECONOMIC ALLIANCE	5942		18,862.82CR	604,855.01CR
12/17/15	12/17	A91279	CHK: 187643	11247	NORMA GARCIA	6274		95.20CR	604,950.21CR
12/17/15	12/17	A91280	CHK: 187644	11247	NATIONAL HERO STORE INC.	6275		118.00CR	605,068.21CR
12/17/15	12/17	A91281	CHK: 187645	11251	NTS COMMUNICATIONS	3135		286.40CR	605,354.61CR
12/18/15	12/18	A91287	CHK: 187648	11254	ADVANCED ANALYSIS & LAB	1022		181.00CR	605,535.61CR
12/18/15	12/18	A91288	CHK: 187649	11254	DATA FLOW	1587		303.00CR	605,838.61CR
12/18/15	12/18	A91289	CHK: 187650	11254	PARKHILL,SMITH & COOPER	3263		1,279.62CR	607,118.23CR

POST	DATE	TRAN #	REFERENCE	PACKET=====	DESCRIPTION=====	VEND	INV/JE #	NOTE	=====AMOUNT=====	=====BALANCE=====
1001			CASH IN BANK							
										*(CONTINUED) *
12/18/15	12/18	A91290	CHK: 187651	11254	WINDSTREAM COMMUNICATION	4460			68.20CR	607,186.43CR
12/18/15	12/18	A91291	CHK: 187652	11254	SHELL FLEET PLUS	5055			140.81CR	607,327.24CR
12/18/15	12/18	A91292	CHK: 187653	11254	NORTHERN SAFETY CO., INC	5475			474.90CR	607,802.14CR
12/18/15	12/18	A91293	CHK: 187654	11254	BIO-AQUATIC TESTING, INC	5770			1,020.00CR	608,822.14CR
12/18/15	12/18	A91294	CHK: 187655	11254	GDF SUEZ ENERGY RESOURCE	5905			31,779.18CR	640,601.32CR
12/18/15	12/18	A91296	CHK: 187657	11254	THE PIT STOP AUTO DETAIL	6132			55.00CR	640,656.32CR
12/18/15	12/18	A91297	CHK: 187658	11254	JEANETTE PARRISH	6213			150.00CR	640,806.32CR
12/18/15	12/18	A91298	CHK: 187659	11254	GONZALES WELDING	6254			180.00CR	640,986.32CR
12/18/15	12/18	A91299	CHK: 187660	11237	USABLUEBOOK	5100			499.63CR	641,485.95CR
12/18/15	12/18	A91300	CHK: 187661	11237	CLEAR EDGE FILTRATION	6244			2,095.00CR	643,580.95CR
12/18/15	12/18	A91305	CHK: 187663	11261	CITY OF LAMESA	1465			252.00CR	643,832.95CR
12/18/15	12/18	A91306	CHK: 187664	11261	SPIKE DYKES	5651			1,143.02CR	644,975.97CR
12/18/15	12/18	A91307	CHK: 187665	11261	ERICA UBEDA	6140			630.00CR	645,605.97CR
12/18/15	12/18	A91308	CHK: 187666	11249	SPIKE DYKES	5651			1,756.09CR	647,362.06CR
12/21/15	12/21	U24136	CHECK 187668	14480	REFUND: KIMBROUGH, BRENAY L				72.29CR	647,434.35CR
12/21/15	12/21	U24136	CHECK 187669	14480	REFUND: TAYLOR, RONNIE C				101.91CR	647,536.26CR
12/21/15	12/21	U24136	CHECK 187670	14480	REFUND: FLEMING, DELORIS				98.09CR	647,634.35CR
12/21/15	12/21	U24136	CHECK 187671	14480	REFUND: SANCHEZ, CRISTINA				19.78CR	647,654.13CR
12/21/15	12/21	U24136	CHECK 187672	14480	REFUND: MOTLEY, RONNIE				57.89CR	647,712.02CR
12/21/15	12/21	U24137	CHECK 187673	14527	REFUND: HERRIDGE, FRANK M				78.84CR	647,790.86CR
12/21/15	12/21	U24137	CHECK 187674	14527	REFUND: BOYD, NICHOL				50.26CR	647,841.12CR
12/21/15	12/21	U24137	CHECK 187675	14527	REFUND: SALAZAR, GABRIEL Y.				45.83CR	647,886.95CR
12/21/15	12/21	U24137	CHECK 187676	14527	REFUND: SAMORA, AMBER				42.56CR	647,929.51CR
12/21/15	12/21	U24137	CHECK 187677	14527	REFUND: B & A SERVICE				7.06CR	647,936.57CR
12/21/15	12/21	U24137	CHECK 187678	14527	REFUND: HERNANDEZ, HELEN				98.16CR	648,034.73CR
12/21/15	12/21	U24137	CHECK 187679	14527	REFUND: MCCULLER, JAMES				65.52CR	648,100.25CR
12/22/15	12/22	A91320	CHK: 187681	11264	CITY OF LAMESA	1465			1,675.00CR	649,775.25CR
12/22/15	12/22	A91321	CHK: 187682	11264	MAYFIELD PAPER COMPANY	2957			1,013.03CR	650,788.28CR
12/22/15	12/22	A91323	CHK: 187684	11264	INTERNATIONAL CODE COUNC	5405			120.95CR	650,909.23CR
12/22/15	12/22	A91324	CHK: 187685	11264	WEATHERMAN CONST. & OVER	5624			1,612.53CR	652,521.76CR
12/22/15	12/22	A91325	CHK: 187686	11264	RUDY SAUSED A JR	6084			41.06CR	652,562.82CR
12/22/15	12/22	A91328	CHK: 187688	11265	REID BETHEL TIRE CO	1224			296.86CR	652,859.68CR
12/22/15	12/22	A91329	CHK: 187689	11265	DACO	1580			2,822.38CR	655,682.06CR
12/22/15	12/22	A91330	CHK: 187690	11265	LUBBOCK GRADER BLADE, IN	2706			1,179.95CR	656,862.01CR
12/22/15	12/22	A91331	CHK: 187691	11265	AMERICAN EXPRESS	4880			2,227.19CR	659,089.20CR
12/22/15	12/22	A91332	CHK: 187692	11265	LUBBOCK TRUCK SALES, INC	5085			692.13CR	659,781.33CR
12/22/15	12/22	A91333	CHK: 187693	11265	MANDRY TECHNOLOGY SOLUT	5160			6,560.74CR	666,342.07CR
12/23/15	12/23	A91340	CHK: 187695	11269	MAYFIELD PAPER COMPANY	2957			1,688.20CR	668,030.27CR
12/23/15	12/23	A91341	CHK: 187696	11269	ERICA UBEDA	6140			700.00CR	668,730.27CR
12/23/15	12/23	A91342	CHK: 187697	11269	WTG FUELS, INC.	6220			11,336.25CR	680,066.52CR
12/23/15	12/23	A91346	CHK: 187700	11271	CITY OF LAMESA	1465			109.00CR	680,175.52CR
12/29/15	12/29	A91363	CHK: 187702	11278	AFLAC INSURANCE	1020			4,147.52CR	684,323.04CR
12/29/15	12/29	A91364	CHK: 187703	11278	CAPROCK FEDERAL CREDIT U	1390			275.00CR	684,598.04CR
12/29/15	12/29	A91365	CHK: 187704	11278	CITY OF LAMESA	1465			1,772.98CR	686,371.02CR
12/29/15	12/29	A91366	CHK: 187705	11278	TEXAS MUNICIPAL RETIREME	3973			26,914.59CR	713,285.61CR
12/29/15	12/29	A91374	CHK: 187713	11278	LEGAL SHIELD	5900			388.50CR	713,674.11CR
12/29/15	12/29	A91375	CHK: 187714	11278	NEW YORK LIFE	5921			567.40CR	714,241.51CR

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: JANUARY 19, 2016

AGENDA ITEM: 4

SUBJECT: 2016 GENERAL ELECTION
PROCEEDING: Resolution
SUBMITTED BY: City Staff
EXHIBITS: Resolution
AUTHORITY: State Law; Chapter 32, Election Code

SUMMARY STATEMENT

Consider passing a resolution ordering and establishing procedures for the City of Lamesa 2016 General Election and consolidation of districts for Mayoral election to be held on Saturday, May 7, 2016 at Forrest Park Community Center, 814 S. Houston Street, Lamesa, Texas.

COUNCIL ACTION

DISCUSSION _____

Motion by Council Member _____ to consider passing a resolution ordering and establishing procedures for the City of Lamesa 2016 General Election and consolidation of districts for Mayoral election to be held on Saturday, May 7, 2016 at Forrest Park Community Center, 814 S. Houston Street, 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.

RESOLUTION NO. _____

**A RESOLUTION AND ORDER ESTABLISHING PROCEDURE
FOR THE 2016 CITY OF LAMESA GENERAL ELECTION.**

On this the 19th day of January, 2016, there came on and was held at the regular meeting place, the City Hall, an open meeting of the City Council of the City of Lamesa, Texas held pursuant to the provisions of the Texas Open Meetings Act; 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 laws of the State of Texas and the Charter of the City of Lamesa, Texas, provide that on May 7, 2016, there shall be elected the following officials for this City:

One (1) "Mayor" to be elected
for three (3) year term expiring in 2019; and

WHEREAS, the laws of the State of Texas, the Charter of the City of Lamesa, Texas and the terms of the Federal Court Order resolving Civil Action Number CA 5-91-0153 further provide that the Election Code of the State of Texas is applicable to said election, and in order to comply with said Code, a resolution and order should be passed establishing the procedure to be followed in said election, and designating the voting place for said election; and

WHEREAS, it is in the public interest and welfare that said resolution be passed.

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

That an election be held on the 7th day of May, 2016 for the purpose of electing:

One (1) "Mayor" to be elected
for three (3) year term expiring in 2019; and

That all independent candidates at said election file their applications to become candidates with the City Secretary at City Hall, 601 South First, Lamesa, Texas on or before five o'clock P.M. on the seventy-eighth day before the election, that day being the 19th day of February, 2016, and that all of said applications shall be on a form as prescribed by Section 141.031 of the Election Code of the State of Texas; and

That the order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing by the City Secretary as provided by Section 52.094 of the Election Code; that drawing to be held at nine o'clock A.M. on the 25th day of February, 2016; and

That said election shall be held at the following place in said City:

Forrest Park Community Center
814 South Houston Avenue
Lamesa, Texas; and

That the polling place listed above shall be open from seven o'clock A.M. until seven o'clock P.M. on election day; and

Early voting shall also be conducted at City Hall, 601 South First, Lamesa, Texas in the office of the City Secretary and said place of early voting shall remain open during the hours that the secretary's office is regularly open for business, which is not a Saturday, a Sunday or an official State Holiday. Early voting by personal appearance will be conducted as follows:

Date	Weekday	Times
April 25 thru April 29	(Monday thru Friday)	8 am – 5 pm
May 2 and May 3	(Monday and Tuesday)	7 am – 7 pm

The City of Lamesa will be using the ES&S AutoMARK voter assist terminal. This AutoMARK is an optical scan ballot marking system designed to provide privacy and accessibility to voters who are visually impaired, or have a disability or condition that would make it difficult or impossible to mark a ballot in the usual way. In addition, the technology provides language assistance to voters who are more comfortable speaking an alternative language or who have reading difficulties.

That early voting by personal appearance for said designated election shall be at City Hall, 601 South First, Lamesa, Texas, in the office of the City Secretary and said place of early voting shall remain open during the hours that the secretary's office is regularly open for business, which is not a Saturday, a Sunday, or an official State Holiday, beginning on the 12th day before and continuing through the 4th day preceding the date of said election; and

The applications for ballot by mail shall be mailed to the Office of the City Secretary, 601 South First, Lamesa, Texas 79331. Applications for ballots by mail must be received no later than the close of business on the 26th day of April, 2016; and

That all early voting ballots cast in said election shall be counted by an Early Voting Ballot Board in accordance with the provisions of Section 87.001 of the Election Code; and that said Early Voting Ballot Board shall be appointed by the city council. The early voting ballots shall be counted separately from the ballots cast in that polling place and a separate set of records be prepared for them; and

That said election shall be held in accordance with the Election Code of this State; and only qualified voters being residents of said City shall be eligible to vote at said election; and

That the Mayor shall give notice of this election in accordance with the terms and provisions of Chapter 4 of the Election Code; said notice shall be published in the Lamesa Press-Reporter, a newspaper of general circulation in the City of Lamesa, Texas, not later than the tenth day before election day and posted in the City Hall at 601 South First not later than the 16th day before election day; and that such notice shall be recorded and preserved in accordance with the provisions of Section 4.005 of the Election Code; and

That the Mayor shall issue all necessary orders and writs for said election and returns of said election shall be made to the Council immediately after the closing of the polls; and

That the canvassing of said election shall take place at the regularly scheduled meeting of the city council on Tuesday, May 17, 2016 at five-thirty p.m.; and that the council shall certify the results of said canvass at that meeting.

That for the purposes of holding the election for Mayor held on May 7th, 2016, that all City Council member districts shall be consolidated into one district.

Upon being put to a vote, the resolution was Passed, Approved, and Adopted this 19th day of January, 2016 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:

Norma Garcia
City Secretary

Dave Nix
Mayor

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: JANUARY 19, 2016

AGENDA ITEM: 5

SUBJECT: **2016 LIVESTOCK PERMIT RENEWAL**
PROCEEDING: Approval or Denial
SUBMITTED BY: City staff

SUMMARY STATEMENT

Consider renewal of livestock permits:

- **1712 South 5th Street:** for keeping 2 horses and show pigs upon application of Cody Swafford.

COUNCIL ACTION

DISCUSSION _____

Motion by Council Member _____ to renew the above mentioned 2016 Livestock Permit. Motion seconded by Council Member _____ and upon being put to a vote the motion _____.

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

CITY MANAGER'S MEMORANDUM

Recommend approval.

**PERMIT NO.
CITY OF LAMESA
LIVESTOCK ZONE PERMIT**

On the 19th day of January 2016, there came on and was held at the regular meeting place, the City Hall, an open meeting of the City Council of the City of Lamesa, Texas held pursuant to the provisions of the Texas Open Meetings Act; (Govt. Code, Chapter 551); there being a quorum present and acting throughout the meeting, a Livestock zone permit application was formally submitted by motion and duly seconded for the consideration and action of the meeting, to wit:

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

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

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

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

Name and address of applicant:	Cody Swafford
Street location of Livestock zone tract:	1712 South 5 th Street
Legal description of Livestock zone tract:	Trk-2, Block 22-D, College Addition
Kind & number of Livestock permitted:	2 Horses and Show Pigs
Special conditions applicable to permit:	None
Date of expiration of Livestock permit:	December 31, 2015

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

Upon being put to a vote, this Livestock zone permit was Approved this 19th day of January 2016 by a majority vote and ordered to be spread upon the minutes of the City Council of the City of Lamesa, Texas.



ATTEST:

Norma Garcia
City Secretary

APPROVED:

Dave Nix
Mayor

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: JANUARY 19, 2016

AGENDA ITEM: 6

SUBJECT: REQUEST FOR SPECIFIC USE PERMIT - 1001 SOUTH 6th STREET
PROCEEDING: Ordinance, Second Reading
SUBMITTED BY: Wayne Smith
AUTHORITY: City Charter, City Code, Texas Government Code

SUMMARY STATEMENT

Consider passing an ordinance on Second reading allowing a Specific Use Permit at 1001 South 6th Street for Residential rental for the front of the property and a Plasma Cutting Shop at the rear of the property for the following property:

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

COUNCIL ACTION

DISCUSSION _____

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

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

CITY MANAGER'S MEMORANDUM

Recommend approval.

ORDINANCE NO.: _____

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

On the this 19th day of January, 2016, there came on and was held at the regular meeting place, the City Hall, an open meeting of the City Council of the City of Lamesa, Texas, held pursuant to the provisions of the Texas Open Meetings Act, and there being a quorum present and acting throughout the meeting, the following ordinance was formally submitted by motion and duly seconded for consideration and action at the meeting, to wit:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Upon being put to a vote, the foregoing ordinance was Passed, on Second and Final Reading on the 19th day of January, 2016.

ATTEST:

APPROVED:

Norma Garcia
City Secretary

Dave Nix
Mayor

MINUTES

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

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

Also Meeting:

Wayne Smith	Chief Inspector
-------------	-----------------

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

1. CALL TO ORDER:

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

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

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

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

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

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

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

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

The motion was seconded by Jinkin Ortiz

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

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

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

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

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

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

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

The motion was seconded by Jinkin Ortiz.

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

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

ATTEST:

APPROVED:

Chief Inspector

Chairman

1001 S 6th

Plasma Cutting Shop

707 S Ave I

© 2015 Google

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

G

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: JANUARY 19, 2016

AGENDA ITEM: 7

SUBJECT: REQUEST FOR SPECIFIC USE PERMIT – 707 SOUTH AVENUE I
PROCEEDING: Ordinance, Second Reading
SUBMITTED BY: Wayne Smith
AUTHORITY: City Charter, City Code, Texas Government Code

SUMMARY STATEMENT

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

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

COUNCIL ACTION

DISCUSSION _____

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

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

CITY MANAGER'S MEMORANDUM

Recommend approval.

ORDINANCE NO.: _____

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

On the this 19th day of January, 2016, there came on and was held at the regular meeting place, the City Hall, an open meeting of the City Council of the City of Lamesa, Texas, held pursuant to the provisions of the Texas Open Meetings Act, and there being a quorum present and acting throughout the meeting, the following ordinance was formally submitted by motion and duly seconded for consideration and action at the meeting, to wit:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Upon being put to a vote, the foregoing ordinance was Passed, on Second and Final Reading on the 19th day of January, 2016.

ATTEST:

APPROVED:

Norma Garcia
City Secretary

Dave Nix
Mayor

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

MINUTES

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

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

Also Meeting:

Wayne Smith	Chief Inspector
-------------	-----------------

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

1. CALL TO ORDER:

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

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

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

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

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

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

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

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

The motion was seconded by Jinkin Ortiz

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

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

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

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

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

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

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

The motion was seconded by Jinkin Ortiz.

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

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

ATTEST:

APPROVED:

Chief Inspector

Chairman

1001 S 6th

Plasma Cutting Shop

707 S Ave I

©2015 Google

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

G

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: JANUARY 19, 2016

AGENDA ITEM: 8

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

PROCEEDING: Discussion

SUBMITTED BY: City Staff

EXHIBITS: TML information on subject matter, Proposed Policy

AUTHORITY: State Law - House Bill 910

SUMMARY STATEMENT

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

COUNCIL ACTION

DISCUSSION _____

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

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

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

CITY MANAGER'S MEMORANDUM

Recommend approval.

City of Lamesa
Proposed Administrative Policy

SECTION 5:01.9 OPEN AND CONCEAL CARRYING OF WEAPONS

Except as indicated below, any and all employees of the City of Lamesa, whether fulltime or part-time, permanent or temporary, are prohibited from carrying any handgun or other firearm while on duty in the service of the City of Lamesa either openly or by concealed carry.

Handguns or other firearms may not be carried, either openly or by concealed carry into or upon that portion of the City Hall municipal building located on the ground floor located west of the doors leading into the City Council Chambers.

Exceptions:

- 1) Licensed Police Officers of the Lamesa Police Department are exempt from this policy but must comply with applicable state law applying to licensed peace officers.
- 2) Arson Investigators who are licensed peace officers are exempt when actively working on an arson investigation. The Arson Investigator may carry a weapon within the investigator's secured vehicle at any time.
- 3) The City Council may grant other exceptions for specific purposes on a case by case basis.

Acknowledged and understood:

Date: _____

Printed Employee Name: _____

Employee Signature: _____



Cities and Firearms

Scott Houston
Deputy Executive Director and General Counsel
Texas Municipal League

shouston@tml.org

512-231-7400

www.tml.org

(Updated December 22, 2015)

NOTE: Highlighted items have been updated from previous version.

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

Table of Contents

	Page
In a nutshell, what does the new “open carry” legislation authorize?	3
In what places is a person <i>prohibited</i> by state law from carrying a firearm?	3
How has the statutory prohibition against carrying a firearm onto the premises of a court or court office been interpreted?.....	6
Is a person <i>allowed</i> by state law to carry a concealed handgun on college campuses?.....	8
In what places is a person <i>allowed</i> by state law to <i>openly</i> carry a firearm?	10
Long Guns (e.g., Rifles and Shotguns)	10
Handguns without a License	10
Handguns with a License	11
In what places is a person <i>allowed</i> by state law to <i>concealed</i> carry a firearm?.....	11
Long Guns (e.g., Rifles and Shotguns)	11
Handguns without a License	11
Handguns with a License	12
Are certain people allowed to carry a handgun where others may not?	12
Judges and Prosecutors.....	12
Peace Officers/Law Enforcement.....	13
In what ways does state law expressly <i>preempt</i> a city from regulating firearms?.....	14
In what ways does state law expressly <i>authorize</i> a city to regulate firearms?.....	14
In what additional ways does state law expressly <i>prohibit</i> city regulation of firearms?	16
Can a city prohibit firearms in a city building or facility?.....	17
Concealed or Open Handgun Carry by Handgun License Holder.....	17
Firearms in General.....	18
What federal law governs a police officer’s authority to question a person who is legally carrying a firearm?	19
Are there specific rules relating to whether a police officer can question or disarm a person who is openly carrying a holstered handgun in public?.....	20
Can a police officer arrest or disarm a person who is legally carrying a long gun (e.g., a rifle or shotgun) in public?.....	20
Can you show in chart form the basic rules for where a private individual can carry a firearm?	21

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

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

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

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

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

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

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

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

- I. on the physical premises of a school or educational institution, any grounds or building on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution, whether the school or educational institution is public or private, unless pursuant to written regulations or written authorization of the institution.

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

Note: The attorney general has concluded that this provision “prohibits handguns from places on which a school-sponsored activity is occurring, which places can include grounds otherwise excluded from the definition of ‘premises’ such as public or private driveways, streets, sidewalks or walkways, parking lots, parking garages, or other parking areas.” Tex. Att’y Gen. Op. No. KP-0050;

2. on the premises (“premises” generally means a building or a portion of a building, but not including any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area) of a polling place on the day of an election or while early voting is in progress;
3. on the premises of any government court or offices utilized by the court, unless pursuant to written regulations or written authorization of the court (Note: Attorney general opinions KP-0047 and KP-0049 further confuse interpretations of this provisions – see next question for details.);
4. on the premises of a racetrack;
5. in or into a secured area of an airport (i.e., an area of an airport terminal building to which access is controlled by the inspection of persons and property under federal law)(Note: A new defense to this offense was added by H.B. 554, and will be effective on September 1, 2015. The defense essentially says that a license holder who makes a mistake at security by forgetting that he possesses a handgun can leave upon notice); or
6. within 1,000 feet of premises the location of which is designated by the Texas Department of Criminal Justice as a place of execution on a day that a sentence of death is set to be imposed on the designated premises and the person received notice that doing so is prohibited (unless the person is on a public road and going to or from his home or business).

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

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

1. if the license holder is given written notice by a “51 percent sign” as defined in Gov’t Code Section 411.204(c), on the premises of a business that is licensed by the Texas Alcoholic Beverage Commission and that derives 51 percent or more of its business from the sale of alcohol;
2. on the premises where a high school, collegiate, or professional sporting event is taking place, unless the handgun is used for the event (Note: Open carry is prohibited on collegiate premises, but S.B. 11 (2015) authorizes concealed carry beginning August 1, 2016, subject to rules of the institution. Because of that, concealed carry on the premises of a collegiate sporting event generally appears to be allowed after that date unless Section 30.06 notice is given that it is prohibited.);
3. on the premises of a correctional facility;

4. if the license holder is given written notice pursuant to Penal Code Section 30.06 and/or 30.07 that carrying is prohibited, on the premises of a state-licensed hospital or nursing home, unless the administration has granted written permission to the license holder;
5. if the license holder is given written notice pursuant to Penal Code Section 30.06 and/or 30.07 that carrying is prohibited, in certain amusement parks (Note: Section 46.035(f) very narrowly defines amusement park, and only a few “six flags”-type parks would meet the definition.);
6. if the license holder is given written notice pursuant to Penal Code Section 30.06 and/or 30.07 that carrying is prohibited, on the premises of a church, synagogue, or other established place of religious worship;
7. anytime the handgun is not in a belt or shoulder holster, concealed, or if the license holder is intoxicated;
8. if the license holder is given written notice pursuant to Penal Code Section 30.06 and/or 30.07 that carrying is prohibited, into any meeting of a governmental entity that is subject to the Open Meetings Act; or
9. on the premises of employment if prohibited by the license holder’s employer (including a city), but an employee may generally leave a handgun in a private, locked car in parking lot.

Id. § 46.035(a), (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), (b)(6); (c); (d); TEX. GOV’T CODE § 411.203; TEX. LABOR CODE § 52.061 et seq.

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

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

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

As one would expect, judges, peace officers, prosecutors, certain security guards commissioned by the Texas Board of Private Investigators and Private Security Agencies, members of the armed forces, corrections officers, and officers of a court are exempt in certain circumstances. *Id.* § 46.03(b) & (h); § 46.15. Some of those exemptions are discussed in more detail below. In

addition, a person convicted of a felony or a family violence offense is prohibited from possessing a firearm, with some limited exceptions. *Id.* § 46.02.

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

How has the statutory prohibition against carrying a firearm onto the premises of a court or court office been interpreted?

Two recent attorney general opinions may call into question Texas city attorneys’ previous understanding of where firearms can be carried in and around city courts. Attorney general opinion requests RQ-0040-KP (July 24, 2015) and RQ-0051-KP (September 9, 2015) asked numerous questions about the statutory prohibition against carry a firearm onto the premises of any government court or office utilized by the provision. The opinions appear to simply further confuse the issues. A discussion of each, along with an explanation of their practical effects, follows.

- Tex. Att’y Gen. Op. No. KP-0047 (2015) concludes that a person is prohibited from carrying a firearm only into the *room* that actually houses a court or court office. That opinion is contrary to what the League and most other attorneys have been advising for years under the concealed carry law. The previous advice was that a person is prohibited from carrying a firearm into the *entire building* that houses a court or court office.

Most governmental entities took that position because of the confusing nature of the law. In other words, because it wasn’t (and still isn’t) exactly clear into what “portion” of a building a licensee can carry, the licensee could (and still can) inadvertently commit a third degree felony for going to the wrong portion of the building.

The opinion states that “[w]hile we can’t be sure what the outside limits of the prohibition are, it is clear that ‘the legislature intended to prohibit concealed handguns from the rooms that house government courts and offices central to the business of the courts....in order to provide clarity, we construe subsection 46.03(a)(3) to encompass only government courtrooms and those offices essential to the operation of the government court.’”

The opinion further states that “[w]e routinely acknowledge that decisions like this are for the governmental entity in the first instance, subject to judicial review. Accordingly, the responsible authority that would notify license holders of their inability to carry on the respective premises must make the determination of which government courtrooms and offices are essential to the operation of the government court.”

In the past, it seemed clear that a license holder couldn't go into the court building. That interpretation provided certainty. Contrary to the "would notify license holders" quote above, the court or court office prohibition *does not require signage*. Thus, the opinions actually shift the risk of compliance onto the license holder to know where he can carry.

- Tex. Att'y Gen. Op. No. KP-0049 (2015) interprets the provisions of S.B. 273, a bill that passed last session. The bill provides that – among other things – the attorney general can sue a state agency or a political subdivision that improperly posts a 30.06 notice.

As written, the bill applies only to a concealed handgun sign under Texas Penal Code Section 30.06. However, the opinion seems to incorrectly expand the attorney general's authority under the bill to include any sign, including a signs pertaining to carry prohibitions that automatically apply (e.g., the court prohibition discussed above). The opinion also expands the attorney general's authority to investigate *oral* notice that carry is prohibited.

If a city chooses to comply with the second opinion, and doing so may be wise given the possible fines under the new legislation, it should be noted that improper carrying near a court could still be a crime regardless of signage. The decision to prosecute that felony offense is made by county and district attorneys, not by city officials.

What are the practical effects of the opinions above? Some possible scenarios are these:

- **City (based on advice from city attorney) takes no action:** According to the opinions, a license holder can carry a handgun into any city facility, but may not carry into an actual room that houses a court or court office. No signage is necessary. However, some cities may deem it appropriate to post a sign of some type notifying the license holder that a room houses a court or court office.
- **City (based on advice from city attorney) takes position that a license holder may not enter a certain portion of the building that houses a court or court office:** No signage is necessary. However, some cities may deem it appropriate to post a sign of some type notifying the license holder that the portion of the building houses a court or court office. The attorney general's office claims that it has enforcement authority over the location of the city's signs and any verbal statements made by city employees to a license holder.
- **City (based on advice from city attorney) takes position that a license holder may not enter the building that houses a court or court office:** Again, no signage is necessary. However, some cities may deem it appropriate to post a sign of some type notifying the license holder that the building houses a court or court office. The attorney general claims that he has enforcement authority over the location of the city's signs and any verbal statements made by city employees to a license holder.

What would the signs mentioned in the bullet points above look like? Some would argue that they should be “criminal trespass by license holder” signs, which would be posted in accordance with the following:

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

- Texas Penal Code § 30.07(c)(3)(A) requires that the sign prohibiting open carry contain language *identical to the following*: “Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly”.
- A 30.06 or 30.07 sign must include the *exact* language above in *both English and Spanish*, be printed in contrasting colors with block letters *at least one inch in height*, and be displayed *in a conspicuous manner clearly visible to the public*.

Others would argue that a sign stating that the building, portion of a building, or room houses a court or court office is sufficient. Still others might say that the Penal Code section prohibiting carry into those places should be mentioned:

This building houses courts and court offices.

All weapons are prohibited pursuant to Penal Code Section 46.03(a)(3).

An offense under that section is a third degree felony.

The above analysis relates only to courts and court offices. A city can always prohibit licensed carry in the room in which a city council meeting is being conducted by posting the 30.06 and 30.07 signs mentioned above, and may in rare cases have other authority related to firearms. A more detailed paper on the issue is available [here](#).

These opinions did little more than further confuse an already complicated issue. Until this issue is decided by the courts, cities are advised to work closely with their local legal counsel before posting or removing any signs regarding courts and city buildings. We expect that a number of our member cities will have a different interpretation of the law than the attorney general. The League will work closely with Texas cities on possible legislative proposals to clarify the law to protect the safety of everyone who works in or visits city courts.

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

Beginning on August 1, 2016, a license holder may carry a *concealed* handgun on the campus of an institution of higher education or private or independent institution of higher education in this state. (“Institution of higher education” means any public technical institute, public junior college, public senior college or university, medical or dental unit, public state college, or other

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

An institution of higher education or private or independent institution of higher education may establish rules, regulations, or other provisions concerning the storage of handguns in dormitories or other residential facilities that are owned or leased and operated by the institution and located on the campus of the institution. *Id.* at § 411.2031(d). After following certain procedures, the president of an institution of higher education must adopt rules as necessary for campus safety, but those rules may not generally prohibit concealed carrying. *Id.* at § 411.2031(d-1)&(d-2)(The board of regents may, by a two-thirds vote, overrule the decisions of the president relating to the rules). If the rules prohibit carrying in any particular premises, the institution must give notice pursuant to Section 30.06, Penal Code. *Id.* It appears that the rulemaking authority is meant to allow an institution to prohibit carrying in sensitive areas, such as those related to secret research or similar endeavors. Any institution that adopts such rules must annually submit them to the legislature explaining why it has done so. *Id.* at § 411.2031(d-4). **The attorney general has concluded that an institution may not adopt rules that are so strict they, as a practical matter, prohibit concealed carry by a license holder. Tex. Att’y Gen Op. No KP-0051 (2015).**

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

The campus carry law creates a criminal offense for a license holder who carries a partially or wholly visible handgun, regardless of whether the handgun is holstered, and intentionally or knowingly displays the handgun in plain view of another person: (1) on the premises of an institution of higher education or private or independent institution of higher education; or (2) on any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area of an institution of higher education or private or independent institution of higher education. TEX. PENAL CODE § 46.035(a-1). It also creates a criminal offense for a license holder who carries a concealed handgun on the campus of a private or independent institution of higher education that has prohibited carry by rule and given notice under Penal Code Section 30.06 that carrying is prohibited. *Id.* at § 46.035(a-2). Finally, it creates a criminal offense for a license holder who carries a concealed handgun in any area on the campus of an institution of higher education in which the institution has by rule prohibited such carry. *Id.* at § 46.035(a-3).

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

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

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

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

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

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

Handguns without a License

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

In addition, a person commits an offense if the person intentionally, knowingly, or recklessly carries on or about his or her person a handgun in a motor vehicle or watercraft that is owned by the person or under the person’s control at any time in which: (1) the handgun is in plain view; or (2) the person is engaged in criminal activity, other than a Class C misdemeanor that is a

violation of a law or ordinance regulating traffic or boating. *Id.* § 46.02(a-1). Also, a person may not carry a handgun if prohibited by law from doing so (e.g., if the person is on parole or probation or is a member of a criminal street gang).

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

Handguns with a License

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

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

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

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

Handguns without a License

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

In addition, a person commits an offense if the person intentionally, knowingly, or recklessly carries on or about his or her person a handgun in a motor vehicle or watercraft that is owned by the person or under the person’s control at any time in which: (1) the handgun is in plain view; or (2) the person is engaged in criminal activity, other than a Class C misdemeanor that is a violation of a law or ordinance regulating traffic or boating. *Id.* § 46.02(a-1). Also, a person may

not carry a handgun if prohibited by law from doing so (e.g., if the person is on parole or probation or is a member of a criminal street gang).

Handguns with a License

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

Are certain people allowed to carry a handgun where others may not?

Yes. The legislature has seen fit to exempt certain people from many of the restrictions discussed above.

Judges and Prosecutors

For example, a defense to prosecution is available for an “active judicial officer” (i.e., a person serving as a judge or justice of the supreme court, the court of criminal appeals, a court of appeals, a district court, a criminal district court, a constitutional county court, a statutory county court, a justice court, or a municipal court, a federal judge who is a resident of this state, or a person appointed and serving as an associate judge under Chapter 201, Family Code. TEX. GOV'T CODE § 411.201.) who holds a license to carry a handgun when the officer is:

1. at a bar that is required to post the “51 percent” sign;
2. on the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place;
3. on the premises of a correctional facility;
4. on the premises of a hospital or a nursing home;
5. in an amusement park;
6. on the premises of a church, synagogue, or other established place of religious worship;
or
7. at any meeting of a governmental entity.

In addition, a defense to prosecution is available for judge or justice of a federal court, a district attorney, assistant district attorney, criminal district attorney, assistant criminal district attorney, county attorney, or assistant county attorney, who holds a license to carry a handgun to carry when the person is:

1. at a bar that is required to post the “51 percent” sign;
2. on the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place;
3. on the premises of a hospital or a nursing home;
4. in an amusement park;

5. on the premises of a church, synagogue, or other established place of religious worship;
or
6. at any meeting of a governmental entity.

TEX. PENAL CODE § 46.035(h-1)(Note that there are *two* (h-1) provisions, with slightly different defenses applied to different officers.)

Moreover, an active judicial officer, district attorney, assistant district attorney, criminal district attorney, assistant criminal district attorney, county attorney, or assistant county attorney, or municipal attorney who holds a license to carry a handgun can lawfully carry:

1. on the physical premises of a school or educational institution, any grounds or building on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution, whether the school or educational institution is public or private;
2. on the premises of a polling place on the day of an election or while early voting is in progress;
3. on the premises of any government court or offices utilized by the court;
4. on the premises of a racetrack;
5. in or into a secured area of an airport; or
6. within 1,000 feet of premises the location of which is designated by the Texas Department of Criminal Justice as a place of execution.

TEX. PENAL CODE § 46.15(a).

Peace Officers/Law Enforcement

Peace officers and special investigators as defined by the Code of Criminal Procedure can carry a weapon essentially anywhere, whether on or off duty.

Parole officers, community supervision and corrections department officers, and certain juvenile probation officers can carry essentially anywhere when in the discharge of their duties and in accordance with their agency's policy.

Honorably retired peace officers, qualified retired law enforcement officers, federal criminal investigators, or former reserve law enforcement officers who hold a certificate of proficiency and are carrying a photo identification that is issued by a federal, state, or local law enforcement agency meeting certain criteria, can carry essentially anywhere.

A bailiff designated by an active judicial officer who holds a handgun license and is engaged in escorting the judicial officer can carry essentially anywhere.

TEX. PENAL CODE § 46.15 (Note: This provision, titled "nonapplicability," allows certain other persons, such as members of the military and personal protection officers, to carry in expanded areas.)

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

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

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

As written, the bill applies only to a concealed handgun sign under Texas Penal Code Section 30.06. This was simply an oversight. It will likely be amended in 2017 to apply to the new open carry sign under Section 30.07. The attorney general has asserted that the bill grants his office authority over any sign and even over verbal trespass warnings. Tex. Att'y Gen. Op. No. KP-0049 (2015). Whether that is true remains to be seen.

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

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

1. the discharge of firearms or air guns within the limits of the city, other than at a sport shooting range (a city can prohibit or regulate the discharge of a firearm or other weapons within the city's original city limits, but may not do so in annexed areas and the

extraterritorial jurisdiction in certain circumstances—see next question). Tex. Atty. Gen. Op. No. GA-0862 (2011);

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

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

5. the hours of operation of a sport shooting range, except that the hours of operation may not be more limited than the least limited hours of operation of any other business in the municipality other than a business permitted or licensed to sell or serve alcoholic beverages for on-premises consumption; or
6. the carrying of an air gun by a minor on: (a) public property; or (b) private property without consent of the property owner.

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

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

The Texas Constitution was amended in 2015 (by voter approval of a new Section 34 to Article I) that: (1) enshrines in that document that the people have the right to hunt, fish, and harvest wildlife, including by the use of traditional methods, subject to laws or regulations to conserve and manage wildlife and preserve the future of hunting and fishing; and (2) provides that: (a) hunting and fishing are preferred methods of managing and controlling wildlife; (b) the amendment does not affect any provision of law relating to trespass, property rights, or eminent domain; and (c) the amendment does not affect the power of the legislature to authorize a city to regulate the discharge of a weapon in a populated area in the interest of public safety. The amendment actually clarifies existing law relating to city regulation of the discharge of firearms.

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

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

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

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

Because of that analysis and the subsequent passage of legislation, a city may not apply a regulation relating to the discharge of firearms or other weapons in the extraterritorial jurisdiction of the city or in an area annexed by the municipality after September 1, 1981, if the firearm or other weapon is:

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

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

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

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

Concealed or Open Handgun Carry by Handgun License Holder

A city has very limited authority to prohibit a license holder from carrying in city facilities to which the general public has access. As mentioned in the second question, above, state law prohibits a license holder from carrying a handgun on the premises: (1) of a polling place on the day of an election or while early voting is in progress; and (2) any government court or offices utilized by the court, unless pursuant to written regulations or written authorization of the court. (Note: Attorney general opinions KP-0047 and KP-0049 further confuse interpretations of this provision – see “How has the statutory prohibition against carrying a firearm onto the premises of a court or court office been interpreted?”, above, for details.)

In addition, a city has the option of posting a specific notice to prohibit a license holder from carrying in the room or rooms where a meeting of a governmental entity is held and if the meeting is an open meeting subject to the Open Meetings Act. TEX. PENAL CODE § 46.035(c) & (i); § 30.06 & 30.07. (Texas Penal Code § 30.06(c)(3)(A) & 30.07(c)(3)(A) require that the sign giving the notice contain certain language that is printed in a certain size.)

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

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

City councilmembers or other city officials who hold a handgun license have no special right to carry a handgun into a meeting. However, if a city council does not prohibit license holders from

carrying their handguns in the meeting room, *any* license holder may do so (unless the building or portion of a building where the meeting room is located also houses a polling place during an election or a city's municipal court and/or and office used by the court).

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

Firearms in General

A non-license holder can't carry a handgun in public, and special rules discussed above apply to license holders. As such, this "firearms in general" answer really applies only to a non-license holder carrying a long gun onto city property.

This paper previously advised, and some still argue, that a city can prohibit the non-licensed carry of a long gun onto city property if the city provides notice that carrying firearms is prohibited in the building. Under Penal Code 30.05(a)(1) & (2), the state's criminal trespass statute, "[a] person commits an offense if the person enters or remains on or in property of another...without effective consent and the person: had notice that the entry was forbidden...or received notice to depart but failed to do so."

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

However, as noted above, state law expressly preempts most city regulation of firearms. Thus, the most conservative advice is that a city can prohibit the carrying of a long gun by a non-license holder only at a:

1. public park (See Tex. Atty. Gen. Op. No. DM-364 (1995));
2. public meeting of a municipality, county, or other governmental body (A city may prohibit a license holder from attending a meeting with a handgun by posting notice under Penal Code Sections 30.06 and/or 30.07 that doing so is prohibited.);
3. political rally, parade, or official political meeting; or
4. nonfirearms-related school, college, or professional athletic event.

How to notice a non-license holder that carrying a long gun into one of the places above is prohibited is the subject of debate.) A "No Firearms Allowed" sign could work, but some license holders may complain that such a posting is vague as to them.

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

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

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

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

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

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

In Texas, the interplay between the Fourth Amendment and the statutory provisions relating to licensed carry are complex. Some take the position that openly carrying a handgun is suspicious enough to justify detention because doing so without a license is still a crime.

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

Most attorneys will likely advise law enforcement to use discretion in making contact, considering the totality of the circumstances. Unless and until Texas courts provide further guidance, each law enforcement officer should follow the advice of his or her local legal counsel, as well as any local policy directives. In any case, it is clear that state law provides express authority relating to license holders (see next question).

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

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

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

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

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

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

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

If a peace officer encounters a person with a long gun, it is within his or her authority to inquire about the weapon. However, if the person is not holding the weapon at ready, pointing the weapon, brandishing it in a threatening manner, or otherwise using it in a manner calculated to cause alarm, the officer—without more—has limited authority to disarm the person. Those decisions should be based on an officer's training as applied to all of the facts in each instance.

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

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

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

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

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

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

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

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

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

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

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: JANUARY 19, 2016

AGENDA ITEM: 9

SUBJECT: DONATION OF HISTORIC MURAL FROM OLD POST OFFICE
PROCEEDING: Resolution
SUBMITTED BY: City staff
EXHIBITS: Resolution

SUMMARY STATEMENT

Consider passing a resolution accepting the donation of historic mural (federally-owned art work) from Old Post Office, preserved by the Weaver Foundation and to be publicly displayed at Forrest Park Community Center or publicly displayed in a City owned-facility.

COUNCIL ACTION

DISCUSSION _____

Motion by Council Member _____ to consider passing a resolution accepting the donation of historic mural (federally-owned art work) from Old Post Office, preserved by the Weaver Foundation and to be publicly displayed at Forrest Park Community Center or publicly displayed in a City owned-facility.
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
ACCEPTING POSSESSION, BUT NOT OWNERSHIP AND THE PLACEMENT OF
THE 1939 WPA PROJECT MURAL "RODEO SCENE" IN FORREST PARK
COMMUNITY CENTER**

On this the 19th day of January, 2016 there came on and was held at the regular meeting place, the City Hall, an open meeting of the City Council of the City of Lamesa, Texas, held pursuant to the provisions of the Texas Open Meetings Act, 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 Weaver Foundation has accepted possession of the "Rodeo Scene" mural formally displayed in the Old Federal Building in Lamesa, Texas for the purpose of restoring and preserving said mural for historic purposes; and

WHEREAS, the Weaver Foundation has requested the City of Lamesa to take possession, but not ownership, of said mural and display said mural in the Forrest Park Community Center; and

WHEREAS, The City of Lamesa, Texas, agrees to accept possession of the "Rodeo Scene" mural to be publicly displayed at Forest Park Community Center.

NOW THEREFORE, BE IT RESOLVED that the City of Lamesa, Texas, accept possession, but not the ownership, of the 1939 WPA Project Mural "Rodeo Scene" and that said mural be publicly displayed in the Forrest Park Community Center.

Upon being put to a vote, the above resolution was Passed, Approved, and Adopted this 19th day of January, 2016, 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:

Norma Garcia
City Secretary

Dave Nix
Mayor

FACL, Inc.

FINE ART CONSERVATION LABORATORIES

P.O. BOX 23557
SANTA BARBARA, CA 93121
(805) 564-3438 FAX (805) 568 1178
faclartdoc@gmail.com
www.fineartconservationlab.com



Lamesa Post Office Mural

Fletcher Martin

3' x 12' oil on canvas marouflaged

Randy Leonard
randyleonard@hotmail.com
806-544-8373

Dear Mr. Leonard,

Thank you for contacting me about the mural in the decommissioned post office and your request for an on site visit in order to determine:

1. The present condition of the mural and its attachment to the wall
2. The safety measures required to remove the mural from the wall without damaging it
3. So, therefore, the logistics and boobytraps of removing the mural from the wall,
4. Write up a Condition Report and Treatments Proposal including an estimate for the work of removal.
5. I will require a report about the presence of asbestos or lead and the containment measures proposed by abatement professionals that would be performed during removal of the mural.

I will need more information about the building and location of the reinstallation before I could offer a bid about the preparation of the mural. There are many details that I require that will influence the price. If the details are provided right away, I can include the proposal for reinstallation in my report.

FACL, Inc.

FINE ART CONSERVATION LABORATORIES
P.O. BOX 23557
SANTA BARBARA, CA 93121
(805) 564-3438 FAX (805) 568 1178
faclartdoc@gmail.com
www.fineartconservationlab.com

Addendum #1 to Art Conservation Project Agreement September 2, 2015

Re: Rodeo Scene
Fletcher Martin
1939 WPA Project
44" x 156"

Oil on canvas adhered to plaster wall surface

Mural Location: 102 North Houston Ave. Lamesa TX, 79331

1. The Art Conservation Project Agreement dated August 8, 2015 includes the following section (note the 5th bullet point) :

Not included in this budget:

- Scaffolding (rolling tower required) is Client's responsibility
- Sonotube with plywood ends is Client's responsibility
- Transport of the mural, round trip, Lamesa – Santa Barbara
- Insurance (liability insurance while on site is included... insurance of the artwork is not)
- Toxic materials abatement or precautions (extra charge if required).

The initial Condition Report and Art Conservation Treatment Proposal of June 8, 2015 has been accepted.

2. Though mentioned in the above section of the Agreement, it is expected by FACL, Inc. that minimal or no exposure to toxic materials (lead and asbestos) will result from the removal of this mural. Therefore it is not foreseen that special "Toxic materials abatement or precautions" will be required (by specialized asbestos or lead abatement contractors).

3. FACL, inc. is not qualified or licensed to determine the presence of toxic materials (lead and asbestos or any others) in the air or location and the client holds FACL, Inc. and its employees blameless for this determination or the protection of the public. It is the client's responsibility to make these determinations.

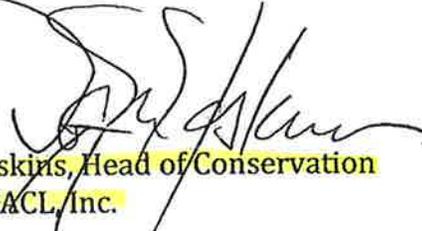
4. FACL, Inc. and its employees hold blameless the Lamesa Independent School District, the William M. Weaver Foundation, Mr. Elwood Freeman, Mr. Randy Leonard or any other employees or representatives of these institutions for any illnesses, diseases or other health issues associated with the removal of the mural that may be suffered by FACL, Inc. employees *as far as the present location's conditions stay consistent with what was observed by Scott M. Haskins during the onsite visit (no other activities disruptive to building materials or contents).*

5. In other words, this disclaimer or release of responsibility is valid only if there are no other contractors (or subcontractors) working in the area, creating dust immediately before or during the mural removal process. **Otherwise, this release is null and void.**

6. It is unknown if lead or asbestos is contained in the mural construction or mounting materials. If these materials should be present and identified, and if special precautions should be required, then a written change order from FACL, Inc. outlining additional fees submitted to the client will be required before work is undertaken. (Specifically, this MAY involve the presence of lead in the adhesive utilized for the mounting of the mural to the wall which, if it exists, MAY have to be removed as part of the art conservation treatments).

7. It is FACL, Inc.'s responsibility to provide adequate personal protection for personnel removing the mural from the wall and during treatments at Fine Art Conservation Laboratories.

It is agreed upon that FACL, Inc. (aka Fine Art Conservation Laboratories) is hired to undertake the work outlined in the June 8, 2015 Condition Report and Art Conservation Treatment Proposal and this Addendum #1 is approved as part of that document.


Scott M. Haskins, Head of Conservation
President FACL, Inc.

Date

9/2/2015


Elwood Freeman, Representative
William M. Weaver Foundation
Lamesa, Texas

Date

9-4-15

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: JANUARY 19, 2016

AGENDA ITEM: 10

SUBJECT: HEALTH INSURANCE UPDATE
PROCEEDING: Discussion
SUBMITTED BY: City Staff
EXHIBITS: Handouts

SUMMARY STATEMENT

Discussion of funding options for FY 2015-2016 City Health Insurance Plan.

COUNCIL ACTION

DISCUSSION _____

CITY MANAGER'S MEMORANDUM

This item is included in the Budget Amendment on this agenda.

City Council Agenda
City of Lamesa, Texas

DATE OF MEETING: JANUARY 19, 2016

AGENDA ITEM: 11

SUBJECT: BUDGET AMENDMENT I
PROCEEDING: Ordinance, First Reading
SUBMITTED BY: City Staff
EXHIBITS: Ordinance
AUTHORITY: City Charter

SUMMARY STATEMENT

Consider amending Ordinance No.O-14-15 on first reading with respect to October 1, 2015 fiscal year budget.

COUNCIL ACTION

DISCUSSION _____

Motion by Council Member _____ to Consider amending Ordinance No.O-14-15 on first reading with respect to October 1, 2015 fiscal year budget. 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. 0-18-14 TO APPROPRIATE FUNDS IN THE CITY
OF LAMESA BUDGET FOR FISCAL YEAR 2015-2016.**

On the 19th day of January, 2016, 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. 0-14-15 to make certain revisions to the 2015-2016 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 2015-2016 Budget contained in Ordinance No. 0-14-15 be, and same is hereby, amended to change the amount appropriated for;

	<u>Revenues</u>	<u>Expenditures</u>
General Fund	\$ 69,088.00	\$ 34,420.00
Special Revenue Fund	\$ 61,021.00	\$ 61,021.00
Utility Fund	\$ 13,680.00	\$ 13,680.00
Solid Waste Fund	\$ 7,410.00	\$ 7,410.00
Golf Fund	\$ 2,850.00	\$ 2,850.00
Forfeiture Fund	\$ 5,000.00	\$ 5,000.00
Total of All Funds	\$ 159,049.00	\$ 124,381.00

SECTION 2. Effective date: That this Ordinance shall become effective as of this February 25, 2016.

SECTION 4. 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 January 19, 2016 by a majority vote; and then on February 16, 2016, there will be 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 First 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:

APPROVED:

Norma Garcia
City Secretary

Dave Nix
Mayor

CITY OF LAMESA
BUDGET AMENDMENT 2016-01 FOR FY 2015/2016

GENERAL FUND (FUND 1)

The City approved a settlement with Oncor on street light billing corrections totaling \$34,667.80. This budget amendment will increase revenues in Miscellaneous Income line item.

Increase Revenues	(01-40904 – Misc. Income)	\$34,667.80
-------------------	---------------------------	-------------

The City's Building Inspections department has been successful in collecting on property clean-ups. This budget amendment will re-appropriate the unbudgeted revenues and associated expenditures to continue property clean-ups around town.

Increase Revenues	(01-40909 – Alleys & Cleanup)	\$ 2,500.00
-------------------	-------------------------------	-------------

Increase Expenditures	(01-5081603 – Special Services)	\$ 2,500.00
-----------------------	---------------------------------	-------------

This budget amendment reflects increase cost for Group Health Insurance for FY 20015-2016.

Increase Revenues	(Fund Balance)	\$31,920.00
-------------------	----------------	-------------

Increase Expenditures	(01-5111111 – Group Health & Life Ins.)	
		\$31,920.00

SPECIAL REVENUE FUND (FUND 17)

The City was given \$45,000 by the Weaver Foundation for trees to be planted in City parks. The budget amendment will allow for the purchase of trees for City parks.

Increase Revenues	(17-40531 – Weaver Foundation Tree Project)	
		\$44,640.00

Increase Expenditures	(17-5411915 – Weaver Grant Tree Project)	
		\$44,640.00

The Weaver Foundation is donating \$16,381.39 to Movieland for the replacement of seating. This budget amendment reflects pass-thru transaction.

Increase Revenues	(17-40128 – Movieland – Weaver Foundation)	\$16,381.39
Increase Expenditures	(17-5411960 – Capital Outlay - Movieland)	\$16,381.39

UTILITY FUND (FUND 2)

This budget amendment reflects increase cost for Group Health Insurance for FY 2015-2016.

Increase Revenues	(Fund Balance)	\$13,680.00
Increase Expenditures	(02-5111111 – Group Health & Life Ins.)	\$13,680.00

SOLID WASTE FUND (FUND 3)

This budget amendment reflects increase cost for Group Health Insurance for FY 2015-2016.

Increase Revenues	(Fund Balance)	\$7,410.00
Increase Expenditures	(03-5111111 – Group Health & Life Ins.)	\$7,410.00

GOLF FUND (FUND 18)

This budget amendment reflects increase cost for Group Health Insurance for FY 2015-2016.

Increase Revenues	(Fund Balance)	\$2,850.00
Increase Expenditures	(18-5111111 – Group Health & Life Ins.)	\$2,850.00

FORFEITURE FUND (FUND 24)

The City Police Department has received forfeiture funds totaling \$27,777.36 to date. The budget amendment will allow for the purchase of physical fitness equipment for officer training and conditioning.

Increase Revenues	(Fund 24 – Fund Balance)	\$ 5,000.00
Increase Expenditures	(24-5501201 – Police Equipment)	\$ 5,000.00

City Council Agenda
City of Lamesa, Texas

DATE OF MEETING: JANUARY 19, 2016

AGENDA ITEM: 12

SUBJECT: LEDC/LEAP FAÇADE IMPROVEMENT PROGRAM
SUBMITTED BY: LEDC/LEAP Director
EXHIBITS: Façade Improvement Application

SUMMARY STATEMENT

Consider approval of LEDC/LEAP Façade Improvement Program for FY 2015-2016 to be budgeted at \$35,000 annually.

COUNCIL ACTION

DISCUSSION _____

Motion by Council Member _____ to consider approval of LEDC/LEAP Façade Improvement Program for FY 2015-2016 to be budgeted at \$35,000. Motion seconded by Council Member _____ and upon being put to a vote the motion _____.

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

CITY MANAGER'S MEMORANDUM

Recommend approval.



Lamesa Economic Development

Logistics. Location. Livability.

FAÇADE IMPROVEMENT PROGRAM

Sponsored by:

Lamesa Economic Development (comprised of Lamesa Economic Development Corporation and Lamesa Economic Alliance Project)

Purpose:

The Façade Improvement Program is designed to encourage small, private businesses to reinvest in the community by making exterior improvements and appearance enhancements to their commercial building(s).

It is Lamesa Economic Development's position that attractive building facades support and encourage local business by having a significant effect on the overall desirability and marketability of the surrounding area. Beautification efforts attract customers/visitors and demonstrate the economic vitality of the community. This program is not intended for repairs or maintenance activities.

Incentive:

Lamesa Economic Development will reimburse up to 50% toward the cost of building façade improvements to eligible and approved businesses. Requests shall be reviewed by the economic development board on a case-by-case basis.

Annual program is budgeted for \$35,000 annually.

No more than 25% of the total cost of improvements eligible for reimbursements may be for: a) the exterior painting of a building; or b) graffiti removal.

Eligibility Criteria:

Eligible improvements are limited to the exterior building façade, including:

- Exterior treatment systems (i.e. painting, murals, siding, stucco or simulated stucco, and brick/stone work)
- Structural improvements to the building façade Masonry or tile cleaning/repair
- Restoration of details in historical buildings
- Removal of elements that cover architecturally significant areas
- Repair or replacement of exterior doors, windows and trim work (in public view) which are necessary for aesthetic purposes
- Exterior lighting, shutters, gutters, & awnings
- New construction
- Signage (non hand-painted)
- Parking lot improvements
- Landscaping

Exterior improvements must be of an earth tone nature or other compatible color/style with the surrounding buildings and architecture. Exceptions, including wall murals, may be considered on a case-by-case basis upon demonstration of exceptional circumstances.

Improvements must be made in conformance with all applicable building codes, laws and zoning requirements of the City of Lamesa. Project must be completed within 120 days of approval. The economic development board can extend the 120-day completion period upon written request. Examples of circumstances in which extensions will be considered include, but are not limited to, inclement weather or the ordering of special building materials.

Limitations:

- In order to accommodate demand, façade reimbursement requests are limited to one applicant per building per calendar year beginning January 1; applicants may re-apply in consecutive years
- Improvements for buildings which are located on properties with outstanding property taxes or City-related liens are not eligible for incentive funding
- Projects in-process or completed at the time of application cannot be considered for reimbursement.
- Repair or replacement of a roof is not eligible
- Alley façades are not eligible
- The owner/tenant must use private, non-City funds to pay for the façade project
- The sponsoring economic development board has the final say in all reimbursement awards

Processing Steps

- Step 1** Applications must be submitted to Lamesa Economic Development at 123 Main Avenue, Lamesa, TX, 79331 or emailed to Nathan Tafoya at nathan@lamesadevelopment.org. An application from a tenant must include a copy of the lease and written approval from the owner. Applications must include photographs of the facades to be improved (see Application for more details).
- Step 2** Director Nathan Tafoya will visit the site to discuss the proposed improvements. The Director will present the application at the following board of director's meeting. The economic development boards meet jointly on the second Monday of every month. If the proposal meets the requirements of the Facade program, a Conditional Letter of Approval will be sent to the owner/tenant. This letter may require modifications or changes to the original proposal.
- Step 3** Pending agreement to any changes to the original proposal and verification of details in the Application, Lamesa Economic Development will prepare and furnish the applicant with a Reimbursement Agreement.
- Step 4** The applicant must sign the Agreement and return to Director Nathan Tafoya.
- Step 5** The applicant must obtain any required permits for the proposed façade improvement. The applicant must display a sign provided by the sponsoring organization on the site indicating "Financing provided in part by the Lamesa Economic Development Façade Improvement Program." The sign must be displayed for at least one month or for the duration of the project, whichever is longer.
- Step 6** The applicant pays for the completed construction work and submits paid receipts and lien waivers from the contractors to Director Nathan Tafoya.
- Step 7** Following a final inspection, the appropriate Lamesa Economic Development non-profit authorizes a reimbursement check for the approved amount.

Please direct any questions or concerns to:

Nathan Tafoya

Executive Director

Lamesa Economic Development Corporation & Lamesa Economic Alliance Project

site _____

e nathan@lamesadevelopment.org

m 806.414.6086

o 806.872.2207



Lamesa Economic Development

Logistics. Location. Livability.

Façade Improvement Program Assistance Application

Date of Application: _____

Name of Applicant: _____

Physical Address: _____

Mailing Address (if different): _____

Phone Number: () _____ Email Address: _____

Contact Person: _____ Title: _____

Organizational Form:

Sole Proprietorship Partnership LLC Corporation

How much of your product or service is exported/sold to buyers outside of the city?

50% or less 51% or more

Estimated cost of project: _____

(Attach bid or provide methodology for deriving your cost estimate)

Please describe proposed project in Lamesa (you may provide a written letter to the economic development board in lieu of filling out this section). Suggested prompts are provided below:

- Property address
- Paint colors and/or materials to be used:
- Landscape type and species
- Timeframes (tentative start and completion dates)
- **YOU MUST PROVIDE drawings, sketches, photos of example projects and existing exterior, or any other exhibits related to the proposed project. You may text or email photos or exhibits to Nathan Tafoya at the contact information listed below.**

1. Have you been declared bankrupt in the last 10 years? _____
If yes, where and has the bankruptcy been dismissed?

2. Have any of the following events ever been listed on your credit report: foreclosure, repossession of property, tax lien or collection agency referral? _____
If yes, please list: _____
3. Are there any unsatisfied judgments against you? _____
If yes, what is the amount of the judgment and date of judgment \$ _____ Date _____
4. When did you start your business? _____
5. Have you ever been convicted of a felony? _____
6. Do you own or lease the subject property? _____
(An application from a tenant must include a copy of the lease and written approval from the owner.)
7. Total number of full-time employees at this location: _____
Full-time At least 1,820 hours per year (35 hours per week for 52 weeks)
8. Total number of part-time employees at this location: _____
9. Will you be making or have you made, any *interior* improvements in addition to the façade improvement(s):
If you answered yes, please provide a summary of planned or recently completed interior improvements:

Thank you for your submission!

Your application will be provided for consideration to the board of directors at the next Joint or Special Called Meeting of the Lamesa Economic Development Corporation and the Lamesa Economic Alliance Project. Joint meetings are held on the second Monday of every month unless otherwise posted.

Please direct any questions or concerns to:

Nathan Tafoya
 Executive Director
 Lamesa Economic Development Corporation
 Lamesa Economic Alliance Project
 site www.lamesadevelopment.org
 e ngrant@lamesadevelopment.org
 m 806.414.6086
 o 806.872.2207
 f 806.872.5700

City Council Agenda
City of Lamesa, Texas

DATE OF MEETING: JANUARY 19, 2016

AGENDA ITEM: 13

SUBJECT: LEDC/LEAP BUDGET AMENDMENT
SUBMITTED BY: LEDC/LEAP Director

SUMMARY STATEMENT

Consider amending the LEDC and LEAP FY 2015-2016 budgets to reflect \$35,000 in expenditures for Façade Improvement Program.

COUNCIL ACTION

DISCUSSION _____

Motion by Council Member _____ to consider amending the LEDC and LEAP FY 2015-2016 budgets to reflect \$35,000 in expenditures for Façade Improvement Program. Motion seconded by Council Member _____ and upon being put to a vote the motion _____.

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

CITY MANAGER'S MEMORANDUM

Recommend approval.

**LAMESA ECONOMIC DEVELOPMENT CORPORATION
BUDGET AMENDMENT 2016-01 FOR FY 2015/2016**

LEDC FUND (FUND 22)

This budget amendment reflects the appropriation of \$35,000 for implementation of the LEDC Façade Improvement Program.

Increase Revenues	(22 – Fund Balance)	\$35,000.00
Increase Expenditures	(22 – 5611800 – Incentive Programs)	\$35,000.00

**LAMESA ECONOMIC ALLIANCE PROJECT
BUDGET AMENDMENT 2016-01 FOR FY 2015/2016**

LEAP FUND (FUND 23)

This budget amendment reflects the appropriation of \$35,000 for implementation of the LEAP Façade Improvement Program.

Increase Revenues	(23 – Fund Balance)	\$35,000.00
Increase Expenditures	(23 – 5811800 – Incentive Programs)	\$35,000.00

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: JANUARY 19, 2016

AGENDA ITEM: 14

SUBJECT: UTILITIES DIRECTOR REPORT
SUBMITTED BY: Utilities Director

SUMMARY STATEMENT

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

- a. CRMWA Waterline Repair (December 31st, 2015 – January 19, 2016)

COUNCIL ACTION

No City Council action required.

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: JANUARY 19, 2016

AGENDA ITEM: 15

SUBJECT: INVESTMENT REPORT
SUBMITTED BY: Finance Director
EXHIBITS: Investment Report

SUMMARY STATEMENT

Finance Director to report on the city's investments for the first quarter of FY 2015-2016.

COUNCIL ACTION

No City Council action required.

CITY MANAGER'S MEMORANDUM

Finance Director will provide report at City Council meeting.

INVESTMENT REPORT FOR December 2015

Account	Interest	Balance	Avg. Balance
2002-03	\$ 48,767.06	\$ 1,742,714.00	Avg. Balance
2003-04	\$ 40,069.45	\$ 1,742,714.00	Avg. Balance
2004-05	\$ 40,880.26	\$ 1,759,816.00	Avg. Balance
2005-06	\$ 56,019.11	\$ 2,146,537.00	Avg. Balance
2006-07	\$ 42,445.58	\$ 2,146,537.00	Avg. Balance
2007	\$ 103,386.65	\$ 2,849,704.00	Avg. Balance
2007-08	\$ 94,120.62	\$ 2,745,781.28	Avg. Balance
2008-09	\$ 71,287.08	\$ 2,833,333.82	Avg. Balance
2009-10	\$ 41,237.72	\$ 1,964,017.00	Avg. Balance
2010-11	\$ 34,671.22	\$ 1,791,287.03	Avg. Balance
2011-12	\$ 37,534.15	\$ 2,843,995.73	Avg. Balance
2012-13	\$ 38,711.58	\$ 4,302,337.97	Avg. Balance
2013-14	\$ 38,801.99	\$ 2,820,425.22	Avg. Balance
2014-15	\$ 30,132.24	\$ 2,824,571.47	Avg. Balance
2015-16	\$ 7,333.37	\$ 2,808,246.67	Avg. Balance

CHANGE FISCAL YEAR

An additional \$100,000 CD originally pledged against Water System Revenue Bonds is also held in the portfolio

The following investments are held by the various funds of the City of Lamesa:

Type Investment	ID#	Maturity	Beginning Book and Market Value	Ending Book and Market Value	Interest Rate	Annual Yield
Certificate of Deposit	23376	02/15/16	\$ 100,000.00	\$ 100,000.00	1.10%	1.11%
Certificate of Deposit	29433	11/28/16	\$ 100,000.00	\$ 100,000.00	1.10%	1.11%
Certificate of Deposit	28416	11/16/16	\$ 100,000.00	\$ 100,000.00	1.10%	1.11%
Certificate of Deposit	23792	12/15/15	\$ 100,000.00	\$ 100,000.00	1.10%	1.11%
Certificate of Deposit	28526	01/15/16	\$ 100,000.00	\$ 100,000.00	1.10%	1.11%
Certificate of Deposit	28550	02/15/16	\$ 100,000.00	\$ 100,000.00	0.85%	0.85%
Certificate of Deposit	28668	03/21/16	\$ 100,000.00	\$ 100,000.00	0.85%	0.85%
Certificate of Deposit	29216	04/19/16	\$ 100,000.00	\$ 100,000.00	1.10%	1.11%
Certificate of Deposit	28853	07/23/16	\$ 144,633.45	\$ 144,633.45	1.10%	1.11%
Certificate of Deposit	29432	05/28/16	\$ 250,000.00	\$ 250,000.00	0.85%	0.85%
Time Deposit	705-7482		\$ 1,413,610.78	\$ 1,416,099.20		
(Certificates held in city vault)			\$ 2,808,244.23	\$ 2,810,692.65		
Total Investments						

Certificate of Deposit 23376 is owned by the Water Fund, all other Certificates and Time Deposits are pooled.
Each fund's contribution to the investment pool is shown on the second page of this report.

Receipt #	Due Date	Safeskeeping at	Market Value	Pledged Value	Issue Date	Cancelled
13744	10/25/18	PlainsCapital Bar	\$ 1,972,040.00	\$ 986,020.00	FHLB	10/08/15
13843	11/28/18	PlainsCapital Bar	\$ 2,963,040.00	\$ 2,963,040.00	FNMA	03/05/15
13744	10/25/18	PlainsCapital Bar	\$ 1,972,040.00	\$ 986,020.00	FHLB	10/08/15
13822	08/01/19	PlainsCapital Bar	\$ 1,976,860.00	\$ 988,430.00	FHLWC	07/27/15
14020	03/27/18	PlainsCapital Bar	\$ 1,992,400.00	\$ 1,992,400.00	FNMA	03/26/14
Total			\$ 10,876,380.00	\$ 7,915,910.00		

Shawna D Burkliart
Investment Officer
Date: 1-15-16

Norma Garcia
Treasurer
Date: 1-15-16

Wayne Chapman
Director of Finance
Date: 1-15-16

CITY OF LAMESA - CONSOLIDATED SPECIAL FUNDS

FUND	CASH/GDS	GENERAL	CAPITAL PROJ	WATER FUND	WATER	WATER	WATER CAP.	CAPITAL PROJ	DEBT SERVICE	SWMF CAP.	SWMF POST-	MOTEL	RISK	FORFEITED
			CIP/LANDFILL	TAX NOTES	DEPOSITS	TOWER PROJECT	EQ. RESERVE	WW TRMT PHL	TANK/VAC-TRK	EQ. RESERVE	CLOS. RES.	TAX	MGMT	PROPERTY
OCT. 1	2,803,358.28	851,598.01	115,988.82	467.33	28,795.03	382,265.54	141,800.72	287,528.98	17,721.81	44,563.64	606,956.04	52,261.42	273,396.25	15.56
Deposit	0.00													
Withdrawal														
Water C.D.	90.41						90.41							
Mon. Int.	2,353.44	714.92	97.37	0.39	24.17	320.91	119.04	241.38	14.88	37.41	509.54	43.87	229.52	0.01
OCT. 1	2,805,803.13	852,312.93	116,086.19	467.72	28,819.20	382,586.45	142,010.17	287,770.36	17,736.69	44,601.05	607,465.58	52,305.29	273,625.77	15.57
NOV. 1	2,805,803.13	852,312.93	116,086.19	467.72	28,819.20	382,586.45	142,010.17	287,770.36	17,736.69	44,601.05	607,465.58	52,305.29	273,625.77	15.57
Deposit	0.00													
Withdrawal	0.00													
Water C.D.	93.42						93.42							
Mon. Int.	2,347.68	713.15	97.13	0.39	24.11	320.12	118.82	240.78	14.84	37.32	508.28	43.77	228.95	0.01
NOV. 1	2,808,244.23	853,026.08	116,183.33	468.11	28,843.32	382,906.57	142,222.42	288,011.15	17,751.53	44,638.37	607,973.86	52,349.06	273,854.72	15.59
DEC. 1	2,808,244.23	853,026.08	116,183.33	468.11	28,843.32	382,906.57	142,222.42	288,011.15	17,751.53	44,638.37	607,973.86	52,349.06	273,854.72	15.59
Deposit	0.00													
Withdrawal	0.00													
Water C.D.	90.41						90.41							
Mon. Int.	2,358.01	716.26	97.56	0.39	24.22	321.52	119.42	241.84	14.91	37.48	510.50	43.96	229.95	0.01
DEC. 1	2,810,692.65	853,742.35	116,280.88	468.51	28,867.54	383,228.09	142,432.25	288,252.98	17,766.43	44,675.85	608,484.36	52,393.02	274,084.67	15.60

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: JANUARY 19, 2016

AGENDA ITEM: 16

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

SUMMARY STATEMENT

Finance Director to report on the city's finances.

COUNCIL ACTION

No City Council action required.

CITY MANAGER'S MEMORANDUM

Finance Director will provide report at City Council meeting.



City of Lamesa Financial Statement Summary As of: December 31st, 2015

	Current Month-to-Date	Year-to-Date
General Fund (1)		
Revenues	\$ 274,917.04	\$ 1,720,294.82
Expenditures	\$ 430,229.58	\$ 982,888.05
Revenues Over/(Under) Expenditures	<u>\$ (155,312.54)</u>	<u>\$ 737,406.77</u>
Water & Wastewater Fund (2)		
Revenues	\$ 311,687.16	\$ 1,037,777.91
Expenditures	\$ 590,018.34	\$ 1,096,432.92
Revenues Over/(Under) Expenditures	<u>\$ (278,331.18)</u>	<u>\$ (58,655.01)</u>
Solid Waste Fund (3)		
Revenues	\$ 156,745.62	\$ 478,221.30
Expenditures	\$ 166,776.51	\$ 429,621.69
Revenues Over/(Under) Expenditures	<u>\$ (10,030.89)</u>	<u>\$ 48,599.61</u>
Golf Course Fund (18)		
Revenues	\$ 11,157.25	\$ 34,115.84
Expenditures	\$ 33,135.86	\$ 71,190.59
Revenues Over/(Under) Expenditures	<u>\$ (21,978.61)</u>	<u>\$ (37,074.75)</u>
All Funds		
Revenues	\$ 754,507.07	\$ 3,270,409.87
Expenditures	\$ 1,220,160.29	\$ 2,580,133.25
Revenues Over/(Under) Expenditures	<u>\$ (465,653.22)</u>	<u>\$ 690,276.62</u>

CITY OF LAMESA
 REVENUE & EXPENSE REPORT (UNAUDITED)
 AS OF: DECEMBER 31ST, 2015

01 -GENERAL FUND
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
REVENUE SUMMARY							
01-TAXES	2,944,979.00	172,271.11	0.00	1,411,343.70	0.00	1,533,635.30	47.92
02-FRANCHISES AND STREET	571,809.00	85,533.21	0.00	140,415.13	0.00	431,393.87	24.56
03-PERMITS, LICENSES AND	38,300.00	1,268.00	0.00	7,715.63	0.00	30,584.37	20.15
04-FINES	80,000.00	5,087.44	0.00	15,304.28	0.00	64,695.72	19.13
05-RECREATIONAL AND RENTA	20,500.00	396.00	0.00	5,278.07	0.00	15,221.93	25.75
06-OTHER GOVERNMENTAL AGE	189,867.00	0.00	0.00	42,967.00	0.00	146,900.00	22.63
07-TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
08-CHARGES FOR CURRENT SE	15,350.00	100.20	0.00	291.45	0.00	15,058.55	1.90
09-MISCELLANEOUS REVENUES	234,832.00	10,261.08	0.00	96,979.56	0.00	137,852.44	41.30
19-SOURCE (CHG TO 49XXX)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES	4,095,637.00	274,917.04	0.00	1,720,294.82	0.00	2,375,342.18	42.00

EXPENDITURE SUMMARY

GENERAL ADMIN SERVICES	216,801.00	23,697.45	0.00	49,487.21	4,085.86	163,227.93	24.71
FINANCIAL SERVICES	75,562.00	2,184.74	0.00	15,243.09	84.80	60,234.11	20.29
PERSONNEL/RISK MGT SERV	56,105.00	11,298.92	0.00	19,125.44	1,145.93	35,833.63	36.13
COMMUNITY DEVELOPMENT SER	700.00	102.21	0.00	278.80	0.00	421.20	39.83
HOUSING ASSISTANCE SERV	11,836.00	5,972.86	0.00	18,363.53	57.54	30,141.99	154.66-
CITY COUNCIL	67,857.00	3,197.14	0.00	10,337.82	0.00	57,519.18	15.23
CITY HALL	84,075.00	18,235.35	0.00	25,773.49	1,280.89	57,020.62	32.18
INTERGOVERNMENTAL	60,652.00	3,750.54	0.00	20,484.68	0.00	40,167.32	33.77
MUNICIPAL COURT	103,611.00	10,165.90	0.00	26,012.66	211.42	77,386.92	25.31
VEHICLE REPAIR SERVICES	35,244.00	3,319.42	0.00	5,749.31	0.00	29,494.69	16.31
VEHICLE PREVENTIVE MNT	1,780.00	82.21	0.00	141.29	0.00	1,921.29	7.94-
FIRE SERVICES	590,087.00	53,135.37	0.00	180,169.78	2,501.00	407,416.22	30.96
VOLUNTEER FIRE SERVICES	140,396.00	14,180.84	0.00	31,720.21	1,323.00	107,352.79	23.54
PD - GEN'L ADMIN SERV	194,693.00	24,776.89	0.00	56,108.59	1,524.27	137,060.14	29.60
COMMUNICATIONS SERVICES	211,340.00	17,775.51	0.00	48,675.43	0.00	162,664.57	23.03
GEN'L LAW ENFORCEMENT SER	985,008.00	91,909.01	0.00	258,289.41	1,381.71	725,336.88	26.36
CRIMINAL INVESTIGATIONS	169,672.00	13,766.11	0.00	31,829.13	0.00	137,842.87	18.76
JUVENILE SERVICES	0.00	0.00	0.00	0.00	0.00	0.00	0.00
ANIMAL CONTROL SERVICE	37,999.00	4,988.46	0.00	13,010.26	0.00	51,009.26	34.24-
EMERGENCY MANAGEMENT SERV	20,200.00	13,774.82	0.00	13,832.90	577.73	5,789.37	71.34
NARCOTICS INTERDICTION	0.00	0.00	0.00	0.00	0.00	0.00	0.00
STREET MAINTENANCE SERV	257,516.00	45,754.10	0.00	64,632.41	7,596.96	185,286.63	28.05
STREET CONST/SEAL COAT	119,000.00	100.00	0.00	300.00	0.00	118,700.00	0.25
STREET CLEANING SERVICES	98,843.00	4,979.78	0.00	9,877.25	0.00	88,965.75	9.99
TRAFFIC SERVICES	173,211.00	26,827.09	0.00	42,704.53	5,683.00	124,823.47	27.94
INSPECTION SERVICES	137,479.00	14,405.57	0.00	31,340.50	0.00	106,138.50	22.80
PARK MAINTENANCE SERVICES	269,154.00	23,283.05	0.00	56,514.81	372.63	212,266.56	21.14
PARK IRRIGATION SERVICES	14,133.00	1,460.30	0.00	2,588.95	0.00	16,721.95	18.32-
COMMUNITY BUILDING SERV	44,879.00	4,027.04	0.00	9,803.26	0.00	35,075.74	21.84
RECREATIONAL FACILITIES	183,596.00	4,884.46	0.00	6,450.63	869.22	176,276.15	3.99
SWIMMING POOL SERVICES	73,553.00	1,091.96	0.00	2,250.74	0.00	71,302.26	3.06
TOTAL EXPENDITURES	4,434,982.00	430,229.58	0.00	982,888.05	28,695.96	3,423,397.99	22.81
REVENUE OVER/(UNDER) EXPENDITURES	(339,345.00)	(155,312.54)	0.00	737,406.77	(28,695.96)	(1,048,055.81)	208.85-

CITY OF LAMESA
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: DECEMBER 31ST, 2015

01 -GENERAL FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
TRANSFERS IN & TRANSFERS OUT							
TRANSFERS OUT	0.00	0.00	0.00	0.00	0.00	0.00	0.00
NET TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
REVENUES & TRANSFERS IN OVER (UNDER) EXPENDITURES & TRANSFERS OUT	(339,345.00)	(155,312.54)	0.00	737,406.77	(28,695.96)	(1,048,055.81)	208.85-

CITY OF LAMESA
 REVENUE & EXPENSE REPORT (UNAUDITED)
 AS OF: DECEMBER 31ST, 2015

02 -WATER & WASTEWATER ENTER,
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
REVENUE SUMMARY							
11-OPERATING REVENUES	4,008,106.00	311,652.16	0.00	1,012,250.14	0.00	2,995,855.86	25.26
12-NON-OPERATING REVENUES	220,891.00	35.00	0.00	25,527.77	0.00	195,363.23	11.56
TOTAL REVENUES	4,228,997.00	311,687.16	0.00	1,037,777.91	0.00	3,191,219.09	24.54
EXPENDITURE SUMMARY							
WATER PRODUCTION SERVICES	1,479,827.00	226,833.14	0.00	366,717.35	350.00	1,112,759.65	24.80
WATER DIST/WASTEWATER SER	1,776,779.00	105,015.11	0.00	341,217.96	13,480.04	1,422,081.00	19.96
WASTEWATER TREATMENT SERV	818,709.00	216,269.01	0.00	268,154.96	2,758.37	547,795.67	33.09
ENGINEERING SERVICES	80,786.00	7,592.52	0.00	17,684.75	0.00	63,101.25	21.89
TECHNICAL SERVICES	73,665.00	8,016.61	0.00	18,553.39	0.00	55,111.61	25.19
UTILITY BILLING/COLLECT	271,226.00	25,770.52	0.00	82,827.76	0.00	188,398.24	30.54
INSPECTION SERVICES	0.00	521.43	0.00	1,276.75	305.40	1,582.15	0.00
TOTAL EXPENDITURES	4,500,992.00	590,018.34	0.00	1,096,432.92	16,893.81	3,387,665.27	24.74
REVENUE OVER/(UNDER) EXPENDITURES	(271,995.00)	(278,331.18)	0.00	(58,655.01)	(16,893.81)	(196,446.18)	27.78
TRANSFERS IN & TRANSFERS OUT							
TRANSFERS OUT	0.00	0.00	0.00	0.00	0.00	0.00	0.00
NET TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
REVENUES & TRANSFERS IN OVER (UNDER) EXPENDITURES & TRANSFERS OUT	(271,995.00)	(278,331.18)	0.00	(58,655.01)	(16,893.81)	(196,446.18)	27.78

CITY OF LAMESA
 REVENUE & EXPENSE REPORT (UNAUDITED)
 AS OF: DECEMBER 31ST, 2015

03 -SOLID WASTE ENTERPRISE
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
REVENUE SUMMARY							
05-RECREATIONAL AND RENTA	0.00	0.00	0.00	0.00	0.00	0.00	0.00
21-OPERATING REVENUES	1,869,148.00	149,603.53	0.00	457,265.53	0.00	1,411,882.47	24.46
22-NON-OPERATING REVENUES	79,000.00	7,142.09	0.00	20,955.77	0.00	58,044.23	26.53
TOTAL REVENUES	1,948,148.00	156,745.62	0.00	478,221.30	0.00	1,469,926.70	24.55
EXPENDITURE SUMMARY							
SOLID WASTE COLLECTION SV	895,466.00	67,492.87	0.00	240,306.21	221,801.92	433,357.87	51.61
SANITARY LANDFILL SERVICE	846,105.00	79,075.67	0.00	137,762.39	1,125.62	707,216.99	16.41
SPECIALIZED COLLECTION SV	123,592.00	8,757.69	0.00	24,567.91	1,754.69	97,269.40	21.30
ENVIRONMENTAL HEALTH SERV	126,788.00	11,450.28	0.00	26,985.18	0.00	99,802.82	21.28
TOTAL EXPENDITURES	1,991,951.00	166,776.51	0.00	429,621.69	224,682.23	1,337,647.08	32.85
REVENUE OVER/(UNDER) EXPENDITURES	(43,803.00)	(10,030.89)	0.00	48,599.61	(224,682.23)	132,279.62	401.99
TRANSFERS IN & TRANSFERS OUT							
TRANSFERS OUT	0.00	0.00	0.00	0.00	0.00	0.00	0.00
NET TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
REVENUES & TRANSFERS IN OVER (UNDER) EXPENDITURES & TRANSFERS OUT	(43,803.00)	(10,030.89)	0.00	48,599.61	(224,682.23)	132,279.62	401.99

CITY OF LAMESA
 REVENUE & EXPENSE REPORT (UNAUDITED)
 AS OF: DECEMBER 31ST, 2015

18 -MUNICIPAL GOLF COURSE
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 25.00

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
REVENUE SUMMARY							
09-MISCELLANEOUS REVENUES	0.00	0.00	0.00	0.00	0.00	0.00	0.00
31-FEES AND DUES	206,700.00	11,157.25	0.00	34,115.84	0.00	172,584.16	16.51
TOTAL REVENUES	206,700.00	11,157.25	0.00	34,115.84	0.00	172,584.16	16.51
EXPENDITURE SUMMARY							
MUNICIPAL GOLF COURSE	204,549.00	33,135.86	0.00	71,190.59	1,678.66	131,679.75	35.62
TOTAL EXPENDITURES	204,549.00	33,135.86	0.00	71,190.59	1,678.66	131,679.75	35.62
REVENUE OVER/(UNDER) EXPENDITURES	2,151.00	(21,978.61)	0.00	(37,074.75)	(1,678.66)	40,904.41	801.65-



City of Lamesa
Balance Sheet Summary
As of : December 31st, 2015

General Fund (1)

Assets	\$	3,297,310.22
Liabilities	\$	725,189.43

Water & Wastewater Fund (2)

Assets	\$	17,724,973.17
Liabilities	\$	14,335,406.65

Solid Waste Fund (3)

Assets	\$	3,767,709.00
Liabilities	\$	1,573,296.08

Golf Course Fund (18)

Assets	\$	38,424.05
Liabilities	\$	152,847.32

01 -GENERAL FUND

ACCOUNT #	ACCOUNT DESCRIPTION	BALANCE
ASSETS		
01-1001	CASH IN BANK	2,225,415.89
01-1002	BETTY CASH	0.00
01-1003	RETURNED CHECKS	4,469.65
01-1004	TAXES RECEIVABLE-DELIQUENT	113,661.13
01-1005	TAXES RECEIVABLE CURRENT	79,735.74
01-1006	PROV. FOR UNCOLLECT TAXES	(37,429.27)
01-1007	MISC ACCT. RECEIVABLE	639.40
01-1008	PROV. UNCOLLEC. ACCT/REC	(184.11)
01-1009	PAVING LEIN RECEIVABLE	116,147.00
01-1010	UNCOLLECTABLE PAVING LEIN	(52,266.00)
01-1011	A/R LUBBOCK TASK FORCE	0.00
01-1012	A/R TNRCC	0.00
01-1013	OFFICE SUPPLIES INVENTORY	15,948.56
01-1014	DUE FROM DAWSON COUNTY	0.40
01-1015	CASH IN BANK - PAYROLL	0.00
01-1016	DUE FROM DEBT SERVICE	0.00
01-1017	FUEL TAX C.D.	0.00
01-1018	DUE TO/FROM 1997 TAN	0.00
01-1019	DUE TO/FROM SOLID WASTE FUND	0.00
01-1020	DUE FROM INVESTMENT FUND	853,026.08
01-1021	CAPITAL EQUIPMENT RESERVE	0.00
01-1022	BUILDING & COMPUTER RESERVE	0.00
01-1023	DUE FROM FIRE DEPT. GRANTS	0.00
01-1024	DUE FROM JUSTICE GRANT	0.00
01-1025	DUE TO/ FROM STATE AGENCY	0.00
01-1026	DUE FROM OTHER GOVERNMENTS	0.00
01-1027	DUE TO/FROM CAPITAL PROJECT	0.00
01-1028	SALES TAX RECEIVABLE	6,497.64
01-1029	DUE TO/FROM DEBT SERVICE	0.00
01-1030	DUE FROM MOTEL TAX FUND	0.00
01-1031	DUE TO/FROM SPECIAL REV. FUND	0.00
01-1032	DUE FROM INVESTMENT-CIVIC CTR.	0.00
01-1033	ACCOUNTS RECEIVABLE	0.00
01-1034	SALES TAX REC./TX COMPTROLLER	(49,402.00)
01-1040	TAN I&S RESERVE	0.00
01-1044	CIP - F PARK LIGHT PROJECT	0.25
01-1045	CITY OF LAMESA - CFS FESTIVAL	8,084.27
01-1046	CRIME LINE	2,457.00
01-1050	DUE TO/FROM RISK MGMT & SAFE	0.00
01-1055	DUE FROM INVESTMENT FUND	0.00
01-1060	DUE FROM ECONOMIC DEVELO	10,508.59
01-1070	DUE FROM FORFEITED TRUST	0.00
01-1071	DUE FROM WWF-LAND PURCHASE	0.00
01-1072	DUE TO/FROM GOLF COURSE	0.00
01-1080	D.A.R.E.	0.00
01-1085	DUE FROM HOUSING AUTHORITY	0.00
01-1090	XFER FOR RETIREMENT/C.O.'	0.00
01-1095	DUE FROM LEAP	0.00
		3,297,310.22
TOTAL ASSETS		3,297,310.22

01 -GENERAL FUND

ACCOUNT #	ACCOUNT DESCRIPTION	BALANCE
LIABILITIES		
01-2013	PAVING LIEN REFUND PAYABLE	0.00
01-2014	SALES TAX PAYABLE	10,469.21
01-2015	VOUCHERS PAYABLE	405,717.94
01-2016	COMMUNITY BLDG.DEPOSITS	15,960.50
01-2017	REFUND OF CASH DEPOSITS	591.00
01-2018	WAGES PAYABLE	0.00
01-2019	GROUP INSURANCE PAYABLE	0.00
01-2020	WITHHOLDING TAX PAYABLE	4,149.00
01-2021	SOCIAL SECURITY PAYABLE	5,998.00
01-2022	T.M.R.S. PAYABLE	7,524.91
01-2023	AUTO ALLOWANCE PAYABLE	0.00
01-2024	BONDS	0.00
01-2025	DEDUCTIONS PAYABLE	5,384.77
01-2026	WORKERS COMPENSATION	0.00
01-2027	AIRPORT	0.00
01-2028	OPTIONAL LIFE PAYABLE	0.00
01-2029	DUE TO SWMF	0.00
01-2030	GOVERNOR'S TAX PAYABLE	0.00
01-2031	TRANS.FOR RET.BONDS	0.00
01-2032	DUE TO STATE AGENCY	0.00
01-2033	C.D.B.G.	0.00
01-2034	DUE TO LAMESA HOUSING	0.00
01-2035	TRANS. FROM DEVELOP. FUND	0.00
01-2036	TEEN COURT ADMIN FEE	50.00
01-2037	DUE TO RISK MGT & SAFETY	0.00
01-2038	DUE TO/FROM WATER FUND	0.00
01-2039	WARRANTS PAYABLE	0.00
01-2040	UNITED FUND	0.00
01-2041	SALES TX DUE TO LEDC -TX COMPT	(8,234.00)
01-2042	DUE TO LEAP -SALES TAX	(8,234.00)
01-2043	TMRS EMPLOYEE BACK PAY	886.49
01-2044	FLEX SPENDING ACCT. (FSA)	0.00
01-2045	PROV. FOR COMP.ABSENCES	(0.13)
01-2048	1992 C O DEBT-PRINCIPAL	0.00
01-2049	1992 C.O. DEBT	0.00
01-2050	ICMA-RC PAYABLE	0.00
01-2051	COURT BONDS PAYABLE	0.00
01-2052	COURT BUILDING SECURITY FUND	12,117.77
01-2053	COURT TECHNOLOGY FEE	7,771.35
01-2055	TAN I&S PRINCIPAL	0.00
01-2056	TAN I&S INTEREST	0.00
01-2070	GROUP INS. PRE-TAX	0.00
01-2075	EMPLOYEE REIMB. SICK LEAVE	0.00
01-2080	DEFERRED REVENUE-PAVING	0.00
01-2081	DEFERRED REVENUE-TAXES	155,967.62
01-2082	DEFERRED REVENUE-MISC. POLICE	(0.14)
01-2083	DEFERRED REVENUE REVITAL GRANT	0.00
01-2084	DEFERRED REVENUE- CIVIC CENTER	0.00
01-2085	AFLAC PRE-TAX	3,125.97

01 -GENERAL FUND

ACCOUNT #	ACCOUNT DESCRIPTION	BALANCE
01-2086	DEFERRED REV.-POLICE DONATIONS	1,811.89
01-2087	DEFERRED REV.-COURTHOUSE PROJ.	0.00
01-2088	DEFERRED REVENUE-SWAT DONATION	696.00
01-2089	DEFERRED REVENUE/FIRE PROTECTI	0.00
01-2090	AFLAC POST TAX	622.94
01-2091	DEFERRED REV.-L.I.S.D. BUYMONE	3,786.50
01-2092	AIR MED CARE	0.00
01-2094	NEW YORK LIFE INS. PAYABLE	(311.40)
01-2095	VISION INS. PAYABLE	766.68
01-2096	EMPLOYEE LEGAL SERV. PAYABLE	194.25
01-2097	WORK BOOTS PAYABLE	(1,545.66)
01-2098	DEFERRED REV. - SPORTS COMPLEX	63,881.00
01-2099	JAE FITNESS PAYABLE	(745.03)
01-2150	ACCRUED PAYABLES	0.00
01-2160	ACCRUED PAYROLL LIABILITY	36,786.00
01-2999	PROFIT & LOSS	0.00
	TOTAL LIABILITIES	725,189.43
EQUITY		

01-3001	FUND BALANCE	1,834,714.02
01-3002	RESERVE-CAPITAL EQUIPMENT	0.00
01-3003	RESERVE-BUILDING & COMPUTER	0.00
01-3010	C.O. INTEREST	0.00
01-3011	C.O. PRINCIPAL	0.00
01-3012	TAN INTEREST	0.00
01-3013	TAN PRINCIPAL	0.00
01-3014	OTHER PRINCIPAL	0.00
01-3015	OTHER INTEREST	0.00
	TOTAL BEGINNING EQUITY	1,834,714.02
	TOTAL REVENUE	1,720,294.82
	TOTAL EXPENSES	982,888.05
	TOTAL REVENUE OVER/(UNDER) EXPENSES	737,406.77
	TOTAL EQUITY & REV. OVER/(UNDER) EXP.	2,572,120.79
	TOTAL LIABILITIES, EQUITY & REV.OVER/(UNDER) EXP.	3,297,310.22

02 -WATER & WASTEWATER ENTER.

ACCOUNT #	ACCOUNT DESCRIPTION	BALANCE
ASSETS		
02-1001	CASH IN BANK	(373,620.59)
02-1002	CASH IN DRAWER	0.00
02-1003	DUE FROM INVESTMENTS/WATER DEP	28,843.30
02-1004	CAPITAL EQUIPMENT RESERVE	142,222.42
02-1005	W.S.G. CHGS. RECEIVABLE	213,687.59
02-10051	REFUNDS PAYABLE	(432.73)
02-10052	UTILITY A/R SUSPENSE	0.00
02-10053	UNAPPLIED US REVENUE	(20,230.18)
02-10054	US GL RECON REPORT	0.00
02-1006	PROV.FOR UNCOLLECT. ACCTS	(12,350.21)
02-1007	INVENTORY SUPPLIES	235,024.22
02-1008	WW. TRMT PLNT .RES.INVESTMENTS	288,011.14
02-1009	UTILITY SYSTEM IMPROV RESERVE	0.00
02-1010	UNAMORTIZED TAN ISSUE COSTS	0.00
02-1011	AMORT.OF DISC. & PREMIUMS	0.00
02-1012	WATER SYSTEM LAND	33,460.47
02-1013	WATER RIGHTS PURCHASED	6,680,247.00
02-1014	WALKS, DRIVES & FENCES	6,472.20
02-1015	BUILDINGS	222,962.45
02-1016	WELLS & WELL HOUSES	760,944.63
02-1017	BOOSTER STAT. AND STORAGE	1,258,866.72
02-1018	WATER LINES,VALVES & FITT	2,825,613.19
02-1019	WATER TAPS AND METERS	2,254,225.62
02-1020	AUTOMOTIVE & MISC.EQUIP.	2,209,943.59
02-1021	FIRE HYDRANTS	67,134.14
02-1022	WATER SYST. DEPRECIATION	(8,687,146.00)
02-1023	SEWER SYSTEM-LAND & LAGOO	95,540.50
02-1024	SEWAGE LIFT STATIONS	672,855.55
02-1025	DISPOSAL PLANT	359,628.45
02-1026	SEWER LINES	1,114,377.03
02-1027	SEWER SYS. DEPRECIATION	(1,246,569.00)
02-1028	DUE TO/FROM SOLID WASTE	0.00
02-1029	ELECTRICAL INVENTORY	0.00
02-1030	WW LIFTSTATION/LUBBOCK HWY.	468.12
02-1031	ACCOUNTS REC. - TRRA	0.00
02-1032	06 TAN ISSUANCE COSTS	0.24
02-1033	06 TAN AMORTIZATION	0.00
02-1035	DUE FROM TCDP GRANT	0.00
02-1036	DUE FROM INV. FUND-TX NOTE 06	17,751.52
02-1037	DUE TO INVESTMENT - WTR. TOWER	382,906.58
02-1039	WATER TREATMENT PLANT	6,826,216.77
02-1040	WW TRMT PLANT RES.	0.00
02-1050	CASH IN BANK-TRMT PLANT	851.75
02-1060	CIP - NEW WATER WELL PROJECT	527.77
02-1065	CIP - LUBBOCK HWY LIFTSTATION	0.16
02-1070	CIP - ELEVATED STORAGE TANK	1,032,942.24
02-1075	CIP - WATER MAIN IMP, HWY 87	333,596.52
		17,724,973.17
TOTAL ASSETS		17,724,973.17

02 -WATER & WASTEWATER ENTER.

ACCOUNT #	ACCOUNT DESCRIPTION	BALANCE
LIABILITIES		
02-2010	DUE TO LAMESA EDC	0.00
02-2013		0.00
02-2025	REVENUE RECOVERY LIABILITY	(236.77)
02-2026	REVENUE RECOVERY FEES	1,419.45
02-2027	UNDEPOSITED METER DEPOSIT	0.00
02-2028	WATER DEPOSITS	248,622.98
02-2029	T.M.R.S. PAYABLE	0.00
02-2030	F.I.C.A. PAYABLE	753.00
02-2031	VOUCHERS PAYABLE	0.00
02-2032	BONDS PAYABLE-PRISON	0.00
02-2033	CONTRIBUTED BY DEVELOPERS	255,845.00
02-2034	CONTRIBUTED BY U.S. GOV'T	236,875.39
02-2035	RES.RETIRE.OF BONDS & INT	0.00
02-2036	EARNED SURPLUS INVESTED	0.00
02-2037	EARNED SURPLUS UNAPPROPR.	0.00
02-2038	INT. ON B.F. INVESTMENT	0.00
02-2039	TRANS. FOR RET. OF BONDS	0.00
02-2040	OPERATING TRANSFER	0.00
02-2041	BOND INTEREST EXPENSE	0.00
02-2042	HANDLING FEES	0.00
02-2043	CAPITAL PROJECT FUNDS	440,420.21
02-2045	PROV.COMPENSATED ABSENCES	41,490.02
02-2046	DUE TO/FROM GENERAL FUND	0.00
02-2047	DUE TO SOLID WASTE	0.00
02-2048	DUE TO RISK MGT & SAFETY	0.00
02-2049	1992 C.O. DEBT NON CURRENT	0.00
02-2050	NOTE PAYABLE- 2006 TAX NOTES	0.00
02-2051	NOTE PAYABLE-CAT FINANCE	0.00
02-2052	LEASE PAYABLE-AAIG(NON-CURRENT)	569,068.78
02-2053	NOTES PAYABLE-WSB (NONCURREN).	(0.40)
02-2054	BONDS PAYABLE - USDA	4,561,000.00
02-2055	CONTRIBUTED CAPITAL-TCDP	864,400.00
02-2056	CONTRIBUTED CAPITAL-TDCJ	133,567.10
02-2057	DUE TO G/F - LAND PURCHASE	0.00
02-2058	DUE TO SWMF - LAND PURCHASE	75,000.00
02-2059	DUE TO CAP. PROJ.-LAND PURCHAS	0.00
02-2060	AFLAC PRE-TAX	0.00
02-2061	DUE TO/FROM GOLF COURSE FUND	0.00
02-2070	GROUP INS. PRE-TAX	0.00
02-2085	AFLAC PRE-TAX	0.00
02-2090	AFLAC POST TAX	0.00
02-2095	VISION INS. PAYABLE	0.42
02-2160	ACCRUED PAYROLL LIABILITY	12,774.00
02-2900	CURRENT PORTION 91 C.O.'S	0.00
02-2901	CURRENT PORTION - USDA	70,000.00
02-2902	CURRENT PORTION-2006 TAN	0.00
02-2903	CURRENT PORTION-CAT FINANCE	0.00
02-2904	LEASE PAYABLE-AAIG (CURRENT)	163,902.00
02-2905	NOTES PAYABLE-WSB (CURRENT)	(0.33)

02 -WATER & WASTEWATER ENTER.

ACCOUNT #	ACCOUNT DESCRIPTION	BALANCE
02-2906	NOTES PAYABLE--SOUTH PLAINS COM	0.00
02-2909	TAX NOTE 2013 - ST	97,000.00
02-2910	TAX NOTE 2013 L-T	512,000.00
02-2911	CURRENT PORTION COMP ABSE	11,701.80
02-2912	TAX NOTE 2013-A L-T	747,000.00
02-2913	TAX NOTE 2013A - S-T	142,000.00
02-2914	TAX NOTE 2014 L-T	401,605.00
02-2915	TAX NOTE 2014 S-T	0.00
02-2920	DEFERRED REV-LIFTSTATION PROJ.	0.00
02-2925	CONJ. USE SERIES 2011-NONCURRE	1,564,289.00
02-2926	CONJ USE SERIES 2011-CURRENT	68,324.00
02-2927	REFUNDING 2010 - NON CURRENT	84,357.00
02-2928	REFUNDING SERIES 2010-CURRENT	16,279.00
02-2929	RECLAMATION 2010 - NON CURRENT	331,408.00
02-2930	RECLAMATION 2010 - CURRENT	79,299.00
02-2931	GROUNDWATER 2009-NON CURRENT	362,949.00
02-2932	GROUNDWATER 2009 - CURRENT	18,485.00
02-2933	GROUNDWATER 2008 - NONCURRENT	731,762.00
02-2934	GROUNDWATER 2009 - CURRENT	46,767.00
02-2935	GROUNDWATER 2005-NONCURRENT	395,107.00
02-2936	GROUNDWATER 2005 - CURRENT	88,972.00
02-2937	GROUNDWATER 2012-NONCURRENT	946,964.00
02-2938	GROUNDWATER 2012-CURRENT	14,237.00
02-2999	PROFIT & LOSS	0.00
	TOTAL LIABILITIES	14,335,406.65
EQUITY		
=====		
02-3001	FUND BALANCE	3,448,221.53
02-3002	RESERVE-UTILITY SYSTEM IMPROV	0.00
02-3010	C.O. INTEREST	0.00
02-3012	TAN INTEREST	0.00
	TOTAL BEGINNING EQUITY	3,448,221.53
	TOTAL REVENUE	1,037,777.91
	TOTAL EXPENSES	1,096,432.92
	TOTAL REVENUE OVER/(UNDER) EXPENSES	(58,655.01)
	TOTAL EQUITY & REV. OVER/(UNDER) EXP.	3,389,566.52
	TOTAL LIABILITIES, EQUITY & REV.OVER/(UNDER) EXP.	17,724,973.17
		=====

03 -SOLID WASTE ENTERPRISE

ACCOUNT #	ACCOUNT DESCRIPTION	BALANCE
ASSETS		
03-1001	CASH IN BANK	456,547.54
03-1002	CASH IN BANK - DEBT SERVICE	0.00
03-1003	CASH IN BANK - CAPITAL RESERVE	0.00
03-1004	DUE FROM GENERAL FUND	0.00
03-1005	DUE FROM WASTEWATER	0.00
03-1006	DUE FROM WWF- LAND PURCHASE	75,000.00
03-1007	DUE FROM INVESTMENTS-DEBT SERV	0.00
03-1008	DUE FROM INV.-CAPITAL RESERVE	116,183.32
03-1010	UNAMORTIZED TAN ISSUE COSTS	0.00
03-1011	GARBAGE CHG. RECEIVABLE	100,474.65
03-1012	UNCOLLECTIBLE GARB.CHGS.	(9,862.99)
03-1013	GRANT PROCEEDS RECEIVABLE	0.00
03-1014	LAND	143,957.00
03-1015	BUILDINGS	2,304,363.61
03-1019	AUTOMOTIVE & MISC.EQUIP.	4,301,082.77
03-1020	DUE FROM INVESTMENT FUND	0.00
03-1021	CAPITAL EQUIPMENT RESERVE	44,638.34
03-1022	POST CLOSURE RESERVE	607,973.86
03-1023	ENVIROMENTAL OPER CENTER RES	0.00
03-1024	RESERVE FOR TAN I&S	0.00
03-1027	05 TAN ISSUANCE COSTS	0.00
03-1028	ACCUM. AMORT-ISSUANCE COSTS	(0.27)
03-1030	CIP - NEW LANDFILL CELL #4	(0.45)
03-1050	ACCUMULATED DEPRECIATION	(4,372,648.38)
		3,767,709.00
TOTAL ASSETS		3,767,709.00

LIABILITIES		
03-2010	DUE TO/FROM GENERAL FUND	0.00
03-2013		0.00
03-2020	DUE TO/FROM WASTE WATER	0.00
03-2021	POSTCLOSURE RESERVE	0.00
03-2022	DUE TO RISK MGT & SAFETY	0.00
03-2030	CONTRIBUTED CAPITAL - SCALE	41,191.00
03-2040	TAN INTEREST EXPENSE	0.00
03-2041	BOND INTEREST EXPENSE	0.00
03-2042	LOSS ON EQUIPMENT	0.00
03-2044	CUR.PROV FOR COMP.ABSENCE	5,522.47
03-2045	PROV-COMPENSATED ABSENCE	19,578.84
03-2049	1992 C.O. DEBT NON-CURRENT	0.00
03-2050	N/P - CATEPILLAR (DOZER)	(0.25)
03-2051	EST.LIAB.LANDFILL CLOSURE	493,535.18
03-2052	OUTSOURCE LEASE-MAD VAC S-T	0.00
03-2053	CATEPILLAR LEASE - S-T	0.15
03-2054	2005 TAX NOTE -CURRENT PORTION	0.00
03-2055	N/P CATERPILLAR (BULLDOZER)	(0.31)
03-2056	TAN I&S INTEREST	0.00

03 -SOLID WASTE ENTERPRISE

ACCOUNT #	ACCOUNT DESCRIPTION	BALANCE	
03-2060	AFLAC PRE-TAX	0.00	
03-2065	N/P KSB - GARBAGE TRUCK	0.00	
03-2070	GROUP INS. PRE-TAX	0.00	
03-2085	AFLAC PRE-TAX	0.00	
03-2090	AFLAC POST TAX	0.00	
03-2095	VISION INS. PAYABLE	0.00	
03-2096	N/P-CATERPILLAR 930H - LT	68,959.00	
03-2097	N/P - CATERPILLAR 930H - ST	21,576.00	
03-2098	N/P CATERPILLAR (BACKHOE) ST	45,375.00	
03-2160	ACCRUED PAYROLL LIABILITY	7,998.00	
03-2165	N/P MACK TRUCK W/ SIDELOAD -LT	80,732.00	
03-2166	N/P MACK TRUCK W/ SIDELOAD -ST	38,087.00	
03-2901	CURRENT PORTION 92 C.O.'S	24,875.00	
03-2902	CURRENT PORTION-1997 TAN	52,767.00	
03-2903	OUTSOURCE LEASE- MAD VAC L-T	0.00	
03-2904	CATEPILLAR LEASE - L-T	0.00	
03-2905	2005 TAX NOTE (LT)	0.00	
03-2910	TAX NOTE 2012 - LT	544,400.00	
03-2911	TAX NOTE 2012 - ST	128,700.00	
	TOTAL LIABILITIES		1,573,296.08
EQUITY			
03-3001	FUND BALANCE	2,038,585.13	
03-3002	INVESTMENT IN PROPERTY	0.00	
03-3003	UNRESERVED FUND BALANCE	0.00	
03-3004	POSTCLOSURE RESERVE	107,228.18	
03-3005	RESERVE ENVIROMENTAL OPER CNTR	0.00	
03-3010	C.O. INTEREST	0.00	
03-3012	TAN INTEREST	0.00	
	TOTAL BEGINNING EQUITY	2,145,813.31	
	TOTAL REVENUE	478,221.30	
	TOTAL EXPENSES	429,621.69	
	TOTAL REVENUE OVER/(UNDER) EXPENSES	48,599.61	
	TOTAL EQUITY & REV. OVER/(UNDER) EXP.		2,194,412.92
	TOTAL LIABILITIES, EQUITY & REV.OVER/(UNDER) EXP.		3,767,709.00

18 -MUNICIPAL GOLF COURSE

ACCOUNT #	ACCOUNT DESCRIPTION	BALANCE	
<u>ASSETS</u>			
18-1001	CASH	(144,761.61)	
18-1005	GOLF FEES RECEIVABLE	24,714.26	
18-1020	LAND IMPROVEMENTS	79,362.32	
18-1021	EQUIPMENT	169,603.08	
18-1022	DEPRECIATION	(102,637.00)	
18-1023	BUILDINGS & IMPROVEMENTS	12,143.00	
18-1028	SALES TAX RECEIVABLE	0.00	
18-1030	DUE TO/FROM WATER FUND	0.00	
			38,424.05
TOTAL ASSETS			<u>38,424.05</u>
<u>LIABILITIES</u>			
18-2010	DUE TO/FROM GENERAL FUND	0.00	
18-2013	NOTES PAYABLE-OUTSORCE/CURR.	0.00	
18-2014	SALES TAX PAYABLE	0.00	
18-2015	NOTE PAYABLE-WELL FARGO-CURREN	0.00	
18-2016	DUE TO RISK MGMT.	96,624.00	
18-2017	NOTES PAYABLE	0.00	
18-2018	NOTES PAYABLE - OUTSOURCE	0.00	
18-2044	COMP. ABSENCES - CURRENT	2,213.21	
18-2045	COMP. ABSENCES - LONG TERM	7,845.11	
18-2160	ACCRUED PAYROLL LIABILITY	1,832.00	
18-2902	RANGE BALL SERVER -ST PORTION	8,975.00	
18-2903	PNC GOLF CAR LEASE - LT	16,115.00	
18-2904	PNC GOLF CAR LEASE - ST	9,668.00	
18-2906	RANGE BALL SERVER- LT PORTION	9,575.00	
	TOTAL LIABILITIES		152,847.32
<u>EQUITY</u>			
18-3001	FUND BALANCE	(77,348.52)	
	TOTAL BEGINNING EQUITY	(77,348.52)	
	TOTAL REVENUE	34,115.84	
	TOTAL EXPENSES	71,190.59	
	TOTAL REVENUE OVER/(UNDER) EXPENSES	(37,074.75)	
	TOTAL EQUITY & REV. OVER/(UNDER) EXP.	(114,423.27)	
	TOTAL LIABILITIES, EQUITY & REV.OVER/(UNDER) EXP.		<u>38,424.05</u>

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: JANUARY 19, 2016

AGENDA ITEM: 17

SUBJECT: CITY MANAGER REPORT
SUBMITTED BY: City Manager

SUMMARY STATEMENT

City Manager to report on current activities and answer questions from the City Council, including:

- Update on FY 2015/2016 Budget
- City of Lamesa MSW Landfill – Type 1 & 4 Areas Report
 - *Please note the timeline by which each area is estimated to be completely full as listed on the last page of each letter.*

COUNCIL ACTION

No City Council action required.

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: JANUARY 19, 2016

AGENDA ITEM: 18

ADJOURNMENT: Announcement by the Mayor- "The next regularly scheduled meeting of the City Council of the City of Lamesa will be **February 16th, 2016** at 5:30 P.M."