

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

MINUTES OF THE CITY COUNCIL REGULARLY CALLED MEETING:

October 20, 2015

On this the 20th day of October, 2015, at 5:32 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 5 the Council Members were present:

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

City staff members present at the meeting:

SHAWNA D. BURKHART	CITY MANAGER
VACANT	CITY SECRETARY
RUSSELL CASSELBERRY	CITY ATTORNEY

Members of the public present at the meeting:

Herrel Hallmark	Darrell Williams	Wayne Smith	Wayne Chapman
Leticia Dimas	Irma Ramirez	Robert Ramirez	Sandy Trevino
Terri Stahl	Tonda Herridge	Chris Norris	Holly Holder
Dale Alwan	Pete Gonzales	Charles Empey	Joan Empey
Gwen Aldridge	Carolyn Kirkland	Joey Rivas	Lenard Hernandez
Gary King	Adam Cantu	Craig Woodward	Basilio Rendán

Invocation was given by Charles Empey, Pastor of Crestview Baptist Church.

HONOR RECOGNITION – Lieutenant Frank Maurice “Mo” Herridge: Presentation honoring the life and 28 years of Law Enforcement Service of Lieutenant Frank Maurice Herridge of the Lamesa Police Department and supporting his family and the City of Lamesa as it heals from this devastating loss. Mayor Nix presented the Herridge family with a Texas flag from Governor Abbott’s office. This flag was flown at the State Capitol in Austin, Texas on September 11, 2015 in honor of the late Lieutenant Herridge.

EMERGENCY ITEM: PRISON WATER TOWER MAINTENANCE AND REPAIRS AND BOIL WATER NOTICE FOR CITIZENS OF THE CITY OF LAMESA: Discussion of Prison Water Tower maintenance and repairs with Mr. Holly Holder, City Engineer and City staff.

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

- (a) **APPROVAL OF THE MINUTES:** Approval of the minutes of the council meeting held on September 15, 2015 and September 29, 2015.
- (b) **BILLS FOR SEPTEMBER 2015:** Approval of the bills paid by the City of Lamesa for the months of September, 2015.

Motion by Council Member Briseno to approve items 3 a & b. Motion seconded by Council Member Stevens and upon being put to a vote the motion passed.

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

INTERLOCAL AGREEMENT - COMMUNICATIONS AND JAIL SERVICES: Consider passing a resolution approving the execution of a Communications and Jail Services Agreement with Dawson County, Texas, and authorizing the Mayor of the City of Lamesa to execute such Communications and Jail Services Agreement on behalf of the City of Lamesa.

Motion by Council Member Vera to approve passing a resolution approving the execution of a Communications and Jail Services Agreement with Dawson County, Texas, and authorizing the Mayor of the City of Lamesa to execute such Communications and Jail Services Agreement on behalf of the City of Lamesa.

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

VOTING: "AYE" 5 "NAY" 0 "ABSTAIN" 0
Res. No. **Ord. Book No. 11** **Page**

LANDFILL SERVICES CONTRACT - DAWSON COUNTY: Consider passing a resolution approving the execution of a Solid Waste Landfill Agreement with Dawson County, Texas, and authorizing the Mayor of the City of Lamesa to execute such Communications and Jail Services Agreement on behalf of the City of Lamesa.

Motion by Council Member Stevens to approve passing a resolution approving the execution of a Communications and Jail Services Agreement with Dawson County, Texas, and authorizing the Mayor of the City of Lamesa to execute such Solid Waste Landfill Agreement on behalf of the City of Lamesa.

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

VOTING: "AYE" 5 "NAY" 0 "ABSTAIN" 0
Res. No. Ord. Book No. 11 Page

DAWSON COUNTY - FIRE SERVICES AGREEMENT: Consider passing a resolution approving the execution of a Fire Service Agreement with Dawson County, Texas, for fire services to the residents of the unincorporated areas of Dawson County for a period specified and authorizing the Mayor of the City of Lamesa to execute such Fire Service Agreement on behalf of the City of Lamesa.

Motion by Council Member Stevens to approve passing a resolution approving the execution of a Fire Service Agreement with Dawson County, Texas, for fire services to the residents of the unincorporated areas of Dawson County for a period specified and authorizing the Mayor of the City of Lamesa to execute such Fire Service Agreement on behalf of the City of Lamesa. Motion seconded by Council Member Gonzales and upon being put to a vote the motion passed.

VOTING: "AYE" 5 "NAY" 0 "ABSTAIN" 0
Res. No. Ord. Book No. 11 Page

TAX ABATEMENT WITH BNB LAMESA SOLAR LLC: Consider passing a resolution approving the execution of a solar lease agreement by the Lamesa Economic Development Corporation and authorizing the Mayor of the City of Lamesa to execute such solar lease agreement and all documents on behalf of the City necessary to effect such solar lease.

Motion by Council Member Gonzales to approve passing a resolution approving the execution of a solar lease agreement by the Lamesa Economic Development Corporation and authorizing the Mayor of the City of Lamesa to execute such solar lease agreement and all documents on behalf of the City necessary to effect such solar lease. Motion seconded by Council Member Briseno and upon being put to a vote the motion passed.

VOTING: "AYE" 5 "NAY" 0 "ABSTAIN" 0
Res. No. Ord. Book No. 11 Page

AMENDING TAX ABATEMENT WITH BNB LAMESA SOLAR LLC: Consider passing a resolution approving an amended Tax Abatement Agreement with BNB Lamesa Solar LLC for tax abatement for property in the Lamesa Solar Reinvestment Zone and authorizing the Mayor of the City of Lamesa to execute the agreement on behalf of the City.

Motion by Council Member Vera to approve passing a resolution approving an amended Tax Abatement Agreement with BNB Lamesa Solar LLC for tax abatement for property in the Lamesa Solar Reinvestment Zone and authorizing the Mayor of the City of Lamesa to execute the agreement on behalf of the City. Motion seconded by Council Member Stevens and upon being put to a vote the motion passed.

VOTING: "AYE" 5 "NAY" 0 "ABSTAIN" 0
Res. No. Ord. Book No. 11 Page

RATIFICATION OF TMRS CONTRIBUTION CORRECTIONS FOR EMPLOYEES HIRED AFTER AUGUST 2012: Consider passing a resolution ratifying the TMRS Contribution Corrections for employees hired after August 2012.

Motion by Council Member Vera to approve passing a resolution ratifying the TMRS Contribution Corrections for employees hired after August 2012. Motion seconded by Council Member Gonzales and upon being put to a vote the motion passed.

VOTING: "AYE" 5 "NAY" 0 "ABSTAIN" 0
Res. No. Ord. Book No. 11 Page

PROFESSIONAL SERVICE AGREEMENT WITH HENRY NORRIS INSURANCE: Consider approving Henry Norris Insurance Professional Services Agreement with respect to consultation on the City's Health Insurance.

Motion by Council Member Stevens to approve passing a resolution ratifying the TMRS Contribution Corrections for employees hired after August 2012. Motion seconded by Council Member Briseno and upon being put to a vote the motion passed.

VOTING: "AYE" 5 "NAY" 0 "ABSTAIN" 0
Res. No. Ord. Book No. 11 Page

PUBLIC HEARING ON REQUEST FOR ZONE CHANGE – 301 to 311 SE 1st STREET & 302-312 SE 2nd STREET: Public hearing to consider the petition of Leonard Hernandez, Mathew Hernandez and Angelica Vargas, 301-311 SE 1st Street and 302-312 SE 2nd Street to change the zoning district from : I-2 Heavy Industrial to zoning district I-1 Light Industrial for placement of manufactured mobile homes, building of a residential house and commercial use for the following property:

All of Lots 1,2,3,4,5 and 6, Block 6 of the McSpadden and All of Lots 1,2,3,4,5,an 6, Block 3 of the S A Jackson Addition, All to the Town of Lamesa, Dawson County, Texas.

Mayor Nix announced the opening of the request for zone change at 301-311 SE 1st Street and 302-312 SE 2nd Street. Wayne Smith, Building Inspector, gave a brief overview of the request for zoning change and stated that the Planning and Zoning Board had voted to approve the request. Mr. Smith Stated that 13 letters had been sent out to residents owning property in the 200 foot radius as per City ordinance. Mr. Smith stated that, 4 letters were received back in favor of the change, 1letter came back as undeliverable and no opposition letters were received. Mr. John Hernandez spoke to the Council about his plans to build a residential home and tortilla factory, and placing a manufactured home on the property. There being no other person wishing to speak, the public hearing was closed.

REQUEST FOR ZONE CHANGE – 301 to 311 SE 1st STREET & 302-312 SE 2nd STREET: Consider passing an Ordinance on first reading changing the zoning district from I-2 Heavy Industrial to zoning district I-1 Light Industrial for placement of manufactured mobile homes, building of a residential house and commercial use for the following property:

All of Lots 1,2,3,4,5 and 6, Block 6 of the McSpadden and All of Lots 1,2,3,4,5,an 6, Block 3 of the S A Jackson Addition, All to the Town of Lamesa, Dawson County, Texas.

Motion by Council Member Vera to approve an Ordinance on first reading changing the zoning of 301-311 SE 1st Street and 302-312 SE 2nd Street from I-2 Heavy Industrial to I-1 Light Industrial for placement of manufactured homes, building of a residential housing and commercial use.Motion seconded by Council Member Gonzales and upon being put to a vote the motion passed.

VOTING: "AYE" 5 "NAY" 0 "ABSTAIN" 0
Res. No. Ord. Book No. 11 Page

REQUEST FOR VARIANCE – 1211 NORTH 7TH STREET: Consider passing on Ordinance on first reading granting a zoning variance for 1211 North 7th Street allowing placement of a manufactured home (2004 Clayton Pinehurst manufactured home – 52' x32') on the following property:

Lots 1-3 and West 40 of Lot 4 Block 2 of the JH Barron Addition to the City of Lamesa, Dawson County, Texas.

Motion by Council Member Gonzales to approve an Ordinance on first reading granting a variance to the zoning ordinances for 1211 North 7th Street allowing for 1211 North 7th Street allowing the placement of a manufactured home (2004 Clayton Pinehurst manufactured home – 52' x 32'). Motion seconded by Council Member Briseno and upon being put to a vote the motion passed.

VOTING:	"AYE" 5	"NAY" 0	"ABSTAIN" 0
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PUBLIC HEARING ON REQUEST FOR ZONE CHANGE – 308 SOUTH HOUSTON: Public hearing to consider the petition of Craig Woodward, 308 South Houston to change the zoning district from : R-1 Single Family Residential to zoning district C-1 Local Retail for rental property for commercial use of the following property:

North ½ Lots 10, 11, & 12, Block 37 of the Original Town of Lamesa, Dawson County, Texas.

Mayor Nix announced the opening of the request for zone change at 308 South Houston. Wayne Smith, Building Inspector, gave a brief overview of the request for zoning change and stated that the Planning and Zoning Board had voted to approve the request. Mr. Craig Woodard spoke to the Council about his plan to use the property to store supplies behind the fence he had built on the property and possibly renting the property for commercial use. There being no other person wishing to speak, the public hearing was closed.

REQUEST FOR ZONE CHANGE – 308 SOUTH HOUSTON: Consider passing an Ordinance on first reading changing the zoning of 308 South Houston from: R-1 Single Family Residential to zoning district C-1 Local Retail for rental property for commercial use of the following property:

North ½ of Lots 10, 11 & 12, Block 37 of Original Town of Lamesa, Dawson County, Texas.

Motion by Council Member Stevens to approve an Ordinance on first reading changing the zoning of 308 South Houston from R-1 Single Family Residential to zoning district C-1 Local Retail for rental property for commercial use. Motion seconded by Council Member Gonzales and upon being put to a vote the motion passed.

VOTING:	"AYE" 5	"NAY" 0	"ABSTAIN" 0
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ADOPT FINANCIAL POLICY Consider passing a resolution approving updates to the City's 2015-2016 Financial Policy.

Motion by Council Member Vera to approve a resolution adopting updates to City's Financial Policy, but to purchase orders at the \$250.00 limit. Motion seconded by Council Member Stevens and upon being put to a vote the motion passed.

VOTING:	"AYE" 4	"NAY" 1	"ABSTAIN" 0
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FINANCIAL REPORT: Wayne Chapman, Director of Finance reported on the city's finances.

INVESTMENT REPORT: Wayne Chapman, Director of Finance reported on the city's financial consolidated investment funds.

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

- CRMWA notified the City that it would be receiving a refund of \$53,000.00 for last year. City staff recommends paying off debt to CRMWA totaling \$19,640.52

EXECUTIVE SESSION: Council to consider convening into closed executive session regarding personnel matters and review of City Secretary applications in accordance with the provisions of the Texas Open Meetings Act (Chapter 551.71 Texas Government Code) and consultation with Attorney regarding pending litigation (Chapter 551.074 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.

- Pending Litigation – Appeal of Board of Adjustments decision to grant a variance.
- Interview/Selection Process of City Secretary position.

Motion by Council Member Stevens to convene in closed executive session in accordance with the provisions of the Texas Open Meetings Act to discuss and consider personnel matters. Motion seconded by Council Member Gonzales and upon being put to a vote the motion passed.

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

ADJOURNMENT: Mayor Nix announced that the next regular meeting of the City Council of the City of Lamesa, Texas would be held on November 7, 2015. Persons desiring to present business to the City Council at that meeting are directed to submit a request in writing to the City Manager by Wednesday, November 11, 2015 in order to be included on the agenda. There being no other business, the meeting was adjourned.

Pursuant to the provisions of the Texas Open Meetings Act, the City Council certifies that the items above are a full record of the subject matter of each deliberation and indicates each vote, order, decision or other action taken by the City Council of the City of Lamesa, Texas at the meeting held on the date indicated above. Ratified and approved at the regular meeting of the City Council of the City of Lamesa, Texas held on October 20, 2015.

ATTEST:

APPROVED:

Shawna D. Burkhart
City Manager

Dave Nix
Mayor