

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

**MINUTES OF THE CITY COUNCIL REGULARLY CALLED MEETING:  
AUGUST 30, 2016**

On this the 30<sup>TH</sup> day of August, 2016, at 5:30 P.M. there came on and was held a regularly called meeting of the City Council of the City of Lamesa, Dawson County, Texas. Notice of such meeting having been posted at the City Hall at 601 South First Street in the City of Lamesa, Texas in accordance with the provisions of the Texas Open Meetings Act (Texas Govt. Code, Chapter 551). The following items were listed on the notice and the following proceedings were had, viz.:

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

JOSH STEVENS	MAYOR
MARIE BRISENO	COUNCIL MEMBER – DISTRICT 2
BRANT STEWART	COUNCIL MEMBER – DISTRICT 1
BOBBY G. GONZALES	COUNCIL MEMBER – DISTRICT 4
FABIAN RUBIO	COUNCIL MEMBER – DISTRICT 3
FRED VERA	COUNCIL MEMBER – DISTRICT 5
CHANCE BRITT	MAYOR PRO-TEM/COUNCIL 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	Levi Roberts	Nathan Tafoya	Wayne Smith
Eddie Schwartz	Sylvia Dimas	Victor Dimas	Robin Wiley
Ida Rodriguez	Robert Ramirez	Gloria Tejeda	Chief Dale Alwan
Jay Porterfield	Irma Ramirez	Wayne Chapman	Larry Duyck
Terri Stahl	Cary White	Kaci Porterfield	Claudia Morales
Judge Leticia Dimas	Joe Vera	Alfred Morales Jr.	Patricio Hernandez
Steve Alexander	Sam Lopez	Brant Quintanilla	Benjamin Rendon
Ernest Ogeda	Arlene Jimenez	Pete Gonzales	Richard Reyes

Jason Wiley	Mario Ortiz	Bob Henderson	Shane Adams
Kip Culp	Michael Lopez	Leigh Ann Archer	Steven Archer
Elario Garza	Chris Vasquez	Ginny Vasquez	Lana Gonzales
Tammy Vidal	John Salinas	Isaac Liscano	Manuel Vasquez
Edward Schwartz	Shandi Adams	Jonathon Bolton	Jaken Bolton
Mason Bolton	Bethanie Bolton	Tommy Arguijo	Billy Vogler
Willie Ortiz	Christopher Perez		

Invocation was given by Council Member Bobby Gonzales.

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

- a. **APPROVAL OF THE MINUTES:** Approval of the minutes of the council meetings held on August 30, 2016.

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

VOTING:                      "AYE" 7                      "NAY" 0                      "ABSTAIN" 0

**AMEND RECREATIONAL VEHICLE ORDINANCE:** Consider passing an Ordinance on second reading amending Article 3.09 of the Ordinances of the city of Lamesa, Texas, entitled "Recreational Vehicle Parks and Recreational Vehicles" to add Section 3.09.014 (6) to provide for an additional temporary permitted occupancy of a recreational vehicle.

Motion by Council Member Vera to pass an Ordinance on second reading amending Article 3.09 of the Ordinances of the city of Lamesa, Texas, Entitled "Recreational Vehicle Parks and Recreational Vehicles" to add Section 3.09.014 (6) to provide for an additional temporary permitted occupancy of a recreational vehicle. Motion seconded by Council Member Rubio and upon being put to a vote the motion passed.

VOTING:                      "AYE" 7                      "NAY" 0                      "ABSTAIN" 0  
 Ord. No. O-15-16                      Ord. Book No. 12                      Page 121

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

**EAST 2.5FT OF LOT 7 AND ALL OF LOT 8, BLOCK C, OF THE M. C. LINDSEY ADDITION TO THE CITY OF LAMESA, DAWSON COUNTY, TEXAS, (1012 S. 3<sup>rd</sup>) AND OWNED BY NARCISSA ORTIZ C/O YOLANDA GONZALES AND/OR CHARLIE LOPEZ.**

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

Per Wayne Smith, this item was passed by City Council until further notice.

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

**EAST 2.5FT OF LOT 7 AND ALL OF LOT 8, BLOCK C, OF THE M. C. LINDSEY ADDITION TO THE CITY OF LAMESA, DAWSON COUNTY, TEXAS, (1012 S. 3<sup>rd</sup>) AND OWNED BY NARCISSA ORTIZ C/O YOLANDA GONZALES AND/OR CHARLIE LOPEZ.**

Per City Council, this item was requested to be passed by Wayne Smith until further notice.

**BUDGET AMENDMENT V:** City Council to consider amending Ordinance O-14-15 on second reading with respect to October 1, 2015 fiscal year budget.

Motion by Council Member Stewart to pass an Ordinance on second reading. Motion seconded by Council Member Britt and upon being put to a vote the motion passed.

VOTING:	"AYE" 7	"NAY" 0	"ABSTAIN" 0
Ord. No. O-16-16	Ord. Book No. 12		Page 123

**REQUEST FOR REZONING – (1600 N. BRYAN AVENUE):** Consider passing an Ordinance on second reading granting a zone change for a tract of land described as a 7.99 acre tract out of section 72, Block 35, T-6-N, Georgetown Ry. Co. Survey, in Dawson County, Texas from District R-2 to District R-3.

**A 7.99 ACRE TRACT OUT OF SECTION 72, BLOCK 35, T-6-N, GEORGETOWN RY. CO. SURVEY, IN DAWSON COUNTY, TEXAS, DESCRIBED BY METES AND BOUNDS IN THAT WARRANTY DEED DATED OCTOBER 12, 1956, AND RECORDED IN VOLUME 151, PAGE 301, OF THE DEED OF RECORDS OF DAWSON COUNTY, TEXAS.**

Motion by Council Member Britt to change the zone from R-2 to R-3 subject to a deed restriction to be no multi-family housing and acceptance to deed restrictions for the property at 1600 N. Bryan Avenue. Motion seconded by Council Member Gonzales and upon being put to a vote the motion passed.

VOTING:	"AYE" 7	"NAY" 0	"ABSTAIN" 0
---------	---------	---------	-------------

**PUBLIC HEARING ON ZONE CHANGE – (100 N. 7<sup>TH</sup> STREET):** Public hearing of the rezoning petition of Danny Green (PO Box 25, Sundown, TX 79372), State Street Development and The Lamesa FAM LP to change the zoning designation of 100 N. 7<sup>th</sup> Street from: I-2 Heavy Industry to R-3 Apartment District, Multi-family Dwellings for apartments for the following property:

**A 7.246 ACRE TRACT DESCRIBED AS ALL OF LOT 5 AND LOT 6, LAMESA INDUSTRIAL PARK, AN ADDITION TO THE CITY OF LAMESA OUT OF SECTION 71, BLOCK 35, T-6-N, T.& P. Ry. CO. SURVEY, IN DAWSON COUNTY, TEXAS, AND PART OF THE SOUTH PLAINS AND LAMESA RAILROAD RIGHT-OF-WAY LYING WESTERLY OF SAID LOTS.**

Mayor Stevens announced the opening of the request for zone change at 100 N. 7<sup>th</sup> 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 18 letters had been sent out to residents owning property in the 200-foot radius as per City ordinance and no response was received back.

There being no other person wishing to speak, the public hearing was closed.

**REQUEST FOR REZONING – (100 N. 7<sup>th</sup> Street):** Consider passing an Ordinance on first reading granting a rezoning from I-2 Heavy Industry to R-3 Apartment District, Multi-family Dwellings for apartments for the following property:

**A 7.246 ACRE TRACT DESCRIBED AS ALL OF LOT 5 AND LOT 6, LAMESA INDUSTRIAL PARK, AN ADDITION TO THE CITY OF LAMESA OUT OF SECTION 71, BLOCK 35, T-6-N, T.& P. Ry. CO. SURVEY, IN DAWSON COUNTY, TEXAS, AND PART OF THE SOUTH PLAINS AND LAMESA RAILROAD RIGHT-OF-WAY LYING WESTERLY OF SAID LOTS.**

Per City Council, this item was requested to be passed by Wayne Smith until further notice.

**DISCUSSION OF TAKE HOME VEHICLE POLICY:** City Council to discuss and direct staff to make desired changes to the Take Home Vehicle Policy.

Council Member Vera stated, he would like to add to the Vehicle Policy Section 5:01.05, that a City-Owned Vehicle should not be allowed out of town for personal use and be brought back on the next meeting.

No was action taken on this item.

**DISCUSSION OF PARKS & RECREATION RENTAL POLICY:** City Council to discuss and direct staff to make desired changes to the W.M. "Bill" Weaver Sports Complex Rental Policy in the action taken in the minutes of the City Council Meeting dated April 15, 2014.

Public comments by Shane Adams, Jay Porterfield, and Michael Lopez to explain they were all opposed to the proposed maintenance fee charged to city/travel baseball and softball leagues.

No was action taken on this item.

**PUBLIC HEARING - FISCAL YEAR 2016-2017 ANNUAL BUDGET:** Convene a public hearing, in accordance with State Law (Local Government Code, Chapter 102, Section 102.006), to hear a report from the City Manager and to hear comments from the public regarding the proposed Annual Budget for Fiscal Year 2016-2017 beginning on October 1, 2016 and ending September 30, 2017.

***THIS PROPOSED BUDGET WILL RAISE MORE TOTAL PROPERTY TAXES THAN LAST YEAR'S BUDGET BY \$240,458 OR 12.19%, AND OF THAT AMOUNT, \$4 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR.***

City Manager Shawna Burkhart gave a brief overview of the proposed city budget for fiscal year 2016-2017. Mayor Stevens announced the opening of a public hearing on the proposed budget for Fiscal Year 2016-2017. Councilman Vera, Mayor Stevens, Councilman Britt and Council woman Briseno spoke. There being no other person wishing to speak, the public hearing was closed.

**FISCAL YEAR OCTOBER 2016-2017 BUDGET - ADOPTION:** Consider passing an ordinance on first reading with record vote in accordance with State Law (Local Government Code, Chapter 102, Section 102.007) providing funds for the Fiscal Year beginning October 1, 2016, and ending September 30, 2017, by approving the budget for said period and appropriating and setting aside the necessary funds out of the General Fund, Water/Wastewater, Solid Waste funds for the maintenance and operation of the various departments and for various activities and improvements to the City.

**THIS PROPOSED BUDGET WILL RAISE MORE REVENUE FROM PROPERTY TAXES THAN LAST YEAR'S BUDGET BY AN AMOUNT OF \$240,458 WHICH IS A 12.19 PERCENT INCREASE FROM LAST YEAR'S BUDGET. THE PROPERTY TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR IS \$4.**

Motion by Council Member Britt to pass an ordinance on first reading Consider passing an ordinance on first reading adopting the proposed Annual Budget for Fiscal Year 2016-2017 beginning on October 1, 2016. Motion seconded by Council Member Rubio and upon being put to a vote the motion passed.

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

VOTING	"AYE"	"NAY"	"ABSTAIN"
Josh Stevens	<u>X</u>	_____	_____
Brant Stewart	<u>X</u>	_____	_____
Marie A. Briseno	_____	<u>X</u>	_____
Fabian Rubio	<u>X</u>	_____	_____
Bobby Gonzales	<u>X</u>	_____	_____
Fred Vera	_____	<u>X</u>	_____
Chance Britt	<u>X</u>	_____	_____

**1<sup>ST</sup> PUBLIC HEARING - AD VALOREM TAX RATE – 2016:** 1<sup>ST</sup> Public Hearing on a proposed property tax rate of \$.827521 for 2016. This tax rate will raise \$2,213,533 which is \$240,458 more than taxes imposed last year.

**THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE. THE TAX RATE WILL EFFECTIVELY BE RAISED BY 7.99 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$56.19 {Section 26.05(b)1(A&B) OF THE PROPERTY TAX CODE}.**

Mayor Stevens announced the opening of a public hearing on a proposed hearing on a proposed property tax rate of 0.827521 for 2016. This tax rate will raise \$ 2,213,533 which is \$240,458 more than taxes imposed last year.

There being no person wishing to speak, the public hearing was closed.

**FINANCIAL REPORT:** Finance Director reported city's finances.

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

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

**ADJOURNMENT:** The next regularly scheduled meetings of the City Council of the City of Lamesa will be September 6, 2016, at 5:30 P.M. There being no other business, the meeting was adjourned.

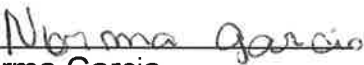
Pursuant to the provisions of the Texas Open Meetings Act, the City Council certifies that the items above are a full record of the subject matter of each deliberation and indicates each vote, order, decision or other action taken by the City Council of the City of Lamesa, Texas at the meeting held on the date indicated above. Ratified and approved at the special called meeting of the City Council of the City of Lamesa, Texas held on August 30, 2016.

## *Upcoming Meetings*

- **September 6, 2016: City Council Meeting**
- **September 13, 2016: City Council Meeting**
- **September 20, 2016: City Council Meeting**

ATTEST:

APPROVED:

  
\_\_\_\_\_  
Norma Garcia  
City Secretary

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