



ORDINANCE NO: O-07-09

AN ORDINANCE ADOPTING AND APPROVING A BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009 AND ENDING SEPTEMBER 30, 2010 AND MAKING APPROPRIATIONS FOR EACH DEPARTMENT, PROJECT, AND ACCOUNT; APPROVING REVISED BUDGET FIGURES FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2009; PROVIDING FOR NECESSARY TRANSFERS OF FUNDS BETWEEN ACCOUNTS AND DEPARTMENTS, IF REQUIRED; AND PROVIDING A SAVINGS CLAUSE.

On the this 22nd day of September, 2009, 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 ordinance was formally submitted by motion and duly seconded for the consideration and action of the meeting, to wit:

WHEREAS, a budget for the fiscal year beginning October 1, 2009 and ending September 30, 2010, has been prepared by the city manager; and

WHEREAS, the city manager, on August 14, 2009, filed a proposed budget with the city secretary for the fiscal year beginning October 1, 2009; and

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

WHEREAS, the City Council did hold two public hearings on August 18, 2009 and September 1, 2009, regarding the proposed property ad valorem tax rate at 0.72430.

WHEREAS, the City Council did hold a public hearing on September 15, 2009, and determined such proposed budget for fiscal year 2009-2010 to be appropriate and correct in all respects and that all requirements of the law have been satisfied; and

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

SECTION 1. Subject to the applicable provisions of the State Law and the City Charter, the budget for the fiscal year beginning October 1, 2009 and ending September 30, 2010, as filed and submitted by the City Manager, and adjusted by the City Council, containing estimates of resources and revenues for the year from all of the various sources provided by the city, and the projects, operations, activities and purchases proposed to be undertaken during the year, together with the estimated costs thereof, and estimated amounts of all other proposed expenditures, is hereby approved and adopted.

SECTION 2. (1) There is hereby appropriated from the funds indicated and for such purposes and other expenditures proposed in such budget, not to exceed for all such purposes for any department, the total amount of the estimated costs of the projects, operations, activities, purchases and other expenditures proposed for such department;

proposed to be undertaken during the year, together with the estimated costs thereof, and estimated amounts of all other proposed expenditures, is hereby approved and adopted.

SECTION 2. (1) There is hereby appropriated from the funds indicated and for such purposes and other expenditures proposed in such budget, not to exceed for all such purposes for any department, the total amount of the estimated costs of the projects, operations, activities, purchases and other expenditures proposed for such department;

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

SECTION 3. The amounts set out under the headings "Revised or Estimated 2008-09" be and are hereby authorized and approved as revised budget amounts for the fiscal year ended on September 30, 2009.

SECTION 4. That Section § 32.014 of the Code of Ordinances of the City of Lamesa be read as follows:

§ 32.014. Fees.

(a) **Fee required.** No permit as required by the building code shall be issued until the fee prescribed in this ordinance shall have been paid. Nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the estimated cost of the building or structure, shall have been paid.

(b) **Construction permit fee.** For a permit for the construction or alteration of a building or structure, the fee shall be at the rate of \$5.00 per thousand dollars of the estimated cost up to twenty-five thousand dollars (\$25,000.00); plus \$2.50 per thousand dollars of the estimated cost in excess of twenty-five thousand dollars up to one hundred thousand dollars (\$100,000.00); plus \$1.25 per thousand dollars of the estimated cost in excess of one hundred thousand dollars (\$100,000.00); but not less than \$25.00 in case; provided that no fee shall be required when the estimated cost does not exceed five hundred dollars (\$500.00).

SECTION 5. That Section § 43.042 of the Code of Ordinances of the City of Lamesa be read as follows:

§43.042. License fees.

The license fee for a solicitor or peddler, as defined in this Chapter, shall be one hundred fifty dollars \$150.00: provided, however, when any person, firm, company, partnership, association or corporation engages in the occupation of a solicitor or peddler, through two (2) or more agents or employees, such person, firm, company, partnership, corporation or association shall in addition to said, (\$150.00) above mentioned, pay a license fee of (\$50.00) for each agent or employee so engaged, in excess of one. The fee shall be payable upon issuance of the license, and shall not be

pro-rated or otherwise modified for reason of duration of additional licenses issued, or otherwise.

SECTION 6. That Section § 43.062 of the Code of Ordinances of the City of Lamesa be read as follows:

§43.062. License fees.

The license fee for an itinerant trader as defined in this ordinance, shall be one hundred dollars (\$100.00). The fee shall be payable upon issuance of the license.

SECTION 7. That Section § 72.094 of the Code of Ordinances of the City of Lamesa be read as follows:

§ 72.094. Discontinuance of service.

- (a) Any consumer desiring to discontinue the use of water shall give notice to the water department on or before the date on which the service is to be discontinued and shall be liable for the use of water until such notice is given and said service is disconnected.
- (b) The fee for disconnection of water service shall be fifty dollars (\$50.00) but where there has been an actual disconnection of service by removal of any metering device or disconnection of lines, there shall be charged and collected a disconnection charge of One hundred twenty five (\$125.00) for disconnecting the water and One hundred seventy five dollars (\$175.00) for disconnecting the sewer, except as provided elsewhere in this section.

SECTION 8. That Section § 72.103 of the Code of Ordinances of the City of Lamesa be read as follows:

§ 72.103. Temporary turn-off and turn-on.

A charge of Ten dollars (\$10.00) shall be collected for each turn-off and each turn-on requested by a customer and made by the city for any reason.

SECTION 9. That Section § 72.109 of the Code of Ordinances of the City of Lamesa be read as follows:

§ 72.109. Paving cut charges for water and wastewater taps.

A charge for paving cut on water and wastewater taps is hereby set as follows:

Paved Streets and Alleys	\$75.00	per square yard
Brick Streets and Alleys	\$ 100.00	per square yard

A surcharge of (\$50.00) per cubic yard may be applied to all excavations in excess of six feet (6') in depth. All paving cuts shall be repaired in accordance with the paving cut guidelines issued by the city manager.

SECTION 10. That Section § 72.096 of the Code of Ordinances of the City of Lamesa be read as follows:

§ 72.096. Water rates and charges.

1.)

- (a) The minimum rate for water, which shall be charged all customers, except as otherwise provided, shall be (\$10.25) per month effective October 1, 2009.
- (b) Next two thousand gallons (each 1000) shall be (\$3.90)
Each 1000 gallons above three thousand shall be (\$3.25)

SECTION 9. That Section § 72.096 of the Code of Ordinances of the City of Lamesa be read as follows:

72.097. WasteWater service rates and charges.

- (b) The city, through its water and wastewater department, shall charge and collect, and every customer shall pay, for wastewater service furnished to the customer, whether or not the city meter is the only source of billing of water used by the user, the amount calculated by application of the following rates for all billing cycles on or after October 1, 2009.

<u>Amount of Wastewater</u>	<u>Rate</u>
Residential (based on water consumption)	
First 7,000 gallons (minimum)	(\$20.75)
Commercial (based on water consumption)	
First 10,000 gallons (minimum)	(\$27.03)
10,001 gallons to 50,000 gallons	(\$27.03)
plus \$0.55 per 1,000 gallons over 10,000 gallons	
50,001 gallons to 51,000	(\$49.05)
(plus \$20.40)	
51,001 gallons to 100,000 gallons	(\$69.91)
plus \$0.45 per 1,000 gallons over 51,000 gallons	
100,001 gallons to 101,000	(\$91.50)
(plus \$30.35)	
101,001 gallons and over	(\$121.85)
plus \$0.40 per 1,000 gallons over 100,000 gallons	

SECTION 10. That Solid Waste Section § 71.033 of the Code of Ordinances of the City of Lamesa be read as follows:

§ 71.033. Charges for residential collection.

- (c) The city, through its water and wastewater department, shall charge and collect, and every residential customer shall pay, for sanitation collection

service furnished to the customer, the amount calculated by application of the following rates for all billing cycles on or after October 1, 2009:

<u>Type of Service</u>	<u>Rate</u>
One-family residence	(\$21.00)
Two-family residence on one water meter	(\$42.00)
Two-family residence on separate water meters, each	(\$21.00)
One-family residence and apartment on one water meter	(\$42.00)

SECTION 12. That Section § 71.034 of the Code of Ordinances of the City of Lamesa be read as follows:

§ 71.034. Charges for commercial and industrial collection.

- (c) The city, through its water and wastewater department, shall charge and collect, and every commercial customer shall pay, for sanitation collection service furnished to the customer, the amount calculated by application of the following rates for all billing cycles on or after October 1, 2009:

<u>Type of Service</u>	<u>Rate</u>
Minimum charge	(\$21.00)
1 container, 2 pickups per week	(\$81.20)
1 container, 3 pickups per week	(\$121.80)
1 container, 5 pickups per week	(\$203.05)

- (d) The minimum monthly charge per individual customer shall never be less than the minimum charge set out in subsection (b) above, and the total charge to all customers sharing one container shall not be less than \$81.20 per month unless the container has been placed at its location for the sole convenience of the city in furnishing such services. None of these charges shall be interpreted to place a maximum amount that can be charged on one container when it has multiple users.

SECTION 13. The investment plan for the city has been reviewed and is approved for the fiscal year beginning October 1, 2009 and ending September, 2010.

SECTION 14. That should any section, paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be affected thereby.

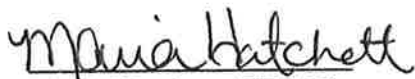
SECTION 15. All ordinances and resolutions, or parts of ordinances and resolutions, in conflict with this Ordinance are hereby repealed, and are no longer in force or effect.

SECTION 16. This ordinance shall become effective upon adoption of its second and final reading by the City Council of the City of Lamesa, Texas and the effective date

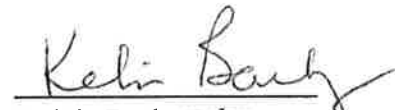
of the ordinance and all rates and appropriations contained herein shall be October 1, 2009.

Upon being put to a vote, the foregoing ordinance was Passed, on First Reading on the 15th day of September, 2009 by a majority vote; and then on the 22nd day of September, 2009, 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 foregoing ordinance was formally submitted by motion and duly seconded for the consideration and action of the meeting, and upon being put to a vote, the foregoing ordinance was Passed on Second and Final Reading and Adopted this 22nd day of September, 2009 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:


Maria Hatchett, TRMC
City Secretary

APPROVED:


Kelvin Barkowsky
Mayor