



CITY COUNCIL AGENDA

NOTICE IS GIVEN THAT THE CITY COUNCIL OF THE CITY OF LAMESA, TEXAS, WILL MEET IN A SPECIAL CALLED MEETING AT 5:30 P.M. ON MONDAY, JANUARY 22, 2024, 601 SOUTH FIRST STREET, FOR THE PURPOSE OF CONSIDERING AND TAKING OFFICIAL ACTION ON THE FOLLOWING ITEMS:

1. **CALL TO ORDER:**
2. **INVOCATION:**
3. **2024 SPECIAL ELECTION:** Consider passing a resolution ordering and establishing procedures for the City of Lamesa Special Election to be held on May 4, 2024. *(City Secretary)*
4. **DISCUSSION AND POSSIBLE ACTION OF AN INTERLOCAL AGREEMENT TO FURNISH SOLID WASTE LANDFILL ACCESS, FIRE PROTECTION SERVICES AND COMMUNICATIONS AND JAIL SERVICES WITH DAWSON COUNTY, TEXAS.** City Council to discuss an Interlocal Agreement to furnish Solid Waste Landfill Access, Fire Protection Services and Communications and Jail Services with Dawson County, Texas. *(City Manager)*
5. **EXECUTIVE SESSION:** Council to consider convening into closed executive session regarding:

Sec. 551.074, Texas Government Code: "Personnel Matters; CLOSED MEETING. (a) This chapter does not require a governmental body to conduct an open meeting: (1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee." No action will be taken in closed session.
6. **RECONVENE INTO OPEN SESSION:** City Council to reconvene into open session to consider and discuss taking action.
7. ***The next regularly scheduled meetings of the City Council of the City of Lamesa will be February 20, 2024, at 5:30 P.M.***

Open Meetings Information

CLOSED MEETINGS

The City Council reserves the right to adjourn into closed session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).

PUBLIC PARTICIPATION

The meeting will be held pursuant to the provisions of the Texas Open Meetings Act (Govt. Code, Chapter 551). Discussion and actions are limited to the agenda items listed above. Persons desiring to address the City Council or express their opinion about a particular item on this agenda should notify the City Secretary before the meeting. Persons desiring to present other business or discuss matters not on this agenda should submit a request in writing to the City Secretary by the end of business hours on the Wednesday before the next meeting in order to be considered for inclusion on that agenda.

MEETING ACCESSIBILITY

Upon request, auxiliary aids and services will be provided to an individual with a disability in order to allow them to effectively participate in the city council meeting. Those requesting auxiliary aids or services should notify the contact person listed below at least twenty-four hours prior to the meeting by mail, telephone or RELAY Texas (1-800-735-2989)

Contact: Betty Conde at 806-872-4322

601 South First Street, Lamesa, Texas 79331

Telephone - (806) 872-4322

Fax - (806) 872-4338

CERTIFICATION OF NOTICE



I certify this agenda was posted at the City Hall, 601 South First Street, Lamesa, Texas at 4:45 p.m., January 19, 2024, in accordance with Chapter 551.041 of the Government Code.

Betty Conde, City Secretary

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: JANUARY 22, 2024

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:

JOSH STEVENS	Mayor
VACANT	Council Member – District 1
FRED VERA	Council Member – District 2
GLORIA V RODRIGUEZ	Council Member – District 3
DANNY JACOBS	Council Member – District 4 MAYOR PRO-TEM
BOBBY G. GONZALES	Council Member – District 5
VACANT	Council Member – District 6

City Staff members present at the meeting:

JOE HINES	City Manager
BETTY CONDE	City Secretary
RUSSELL CASSELBERRY	City Attorney

Members of the press present at the meeting:

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 22, 2024

AGENDA ITEM:3

SUBJECT: 2024 SPECIAL ELECTION
PROCEEDING: Resolution
SUBMITTED BY: City Secretary
EXHIBITS:
AUTHORITY: State Law; Texas Election Code; Section 2.051, 2.052

SUMMARY STATEMENT

City Council to Consider passing a Resolution ordering and establishing procedures for the City of Lamesa Special Election to be held on May 4, 2024.

COUNCIL ACTION

DISCUSSION: _____

Motion by Council Member _____ to pass a Resolution ordering and establishing procedures for the City of Lamesa Special Election to be held on May 4, 2024. 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
PROCEDURES FOR THE 2024 CITY OF LAMESA
SPECIAL ELECTION.**

On this the 22nd day of January, 2024, 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 Constitution of the State of Texas and the Charter of the City of Lamesa, Texas, provide that any vacancy occurring on the governing body of a home rule city having a term of office exceeding two years shall be filled by majority vote of the qualified voters at a special election called for such purpose within 120 days after such vacancy occurs; and

WHEREAS, a special election should be held on May 4, 2024, to fill the unexpired term for the vacancy created by the resignation of the Lamesa City Council Member for District 6; 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 procedures 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 this resolution be passed.

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

That a special election be held on the 4th day of May 2024, for the purpose of electing:

One (1) "Council Member, District 6"
to fill the unexpired term ending in 2026; and

That all independent candidates at said election file their applications to become candidates with the City Secretary at City Hall, 601 South First Street, Lamesa, Texas, on or before five o'clock P.M. on the sixty second day before the election, that day being the 3rd day of March, 2024, and that all of said applications shall be on a form as prescribed by Section 141.031 of the Texas Election Code; 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 Texas Election Code; that drawing to be held at five-thirty o'clock P.M. on the 8th day of March 2024; 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 22 thru April 26	(Monday thru Friday)	8 am – 5 pm
April 29 and April 30	(Monday and Tuesday)	8 am – 5 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; and

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 17th 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 23rd day of April, 2024; 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 Texas 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 Texas Election Code and only qualified voters being residents of said City and residing in City Council District 6 shall be eligible to vote in said election; and

That the Mayor shall give notice of this election in accordance with the terms and provisions of Chapter 4 of the Texas Election Code; said notice shall be published in the Lamesa Press-Reporter, a newspaper of general circulation in the City of Lamesa, Texas,

not earlier than the thirtieth (30th) day and not later than the tenth (10th) day before election day and posted in the City Hall at 601 South First Street and at a public place in City Council District 4 not later than the 10th day before election day; and that such notice shall be recorded and preserved in accordance with the provisions of Section 4.005 of the Texas 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 City 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 Monday, May 13, 2024, at five-thirty p.m.; and that the council shall certify the results of said canvass at that meeting.

Upon being put to a vote, the resolution was Passed, Approved, and Adopted this 22nd day of January 2024, 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:

Betty Conde
City Secretary

Josh Stevens
Mayor

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: JANUARY 22, 2024

AGENDA ITEM:4

SUBJECT: DISCUSSION AND POSSIBLE ACTION OF AN INTERLOCAL AGREEMENT TO FURNISH SOLID WASTE LANDFILL ACCESS, FIRE PROTECTION SERVICES AND COMMUNICATIONS AND JAIL SERVICES WITH DAWSON COUNTY, TEXAS

PROCEEDING: Approval
SUBMITTED BY: City Staff
EXHIBITS: Resolution

SUMMARY STATEMENT

City Council to discuss and take possible action to approve an Interlocal Agreement to furnish Solid Waste Landfill Access, Fire Protection Services and Communications and Jail Services with Dawson County, Texas. *(City Manager)*

COUNCIL ACTION

DISCUSSION _____

Motion by Council Member _____ to approve an Interlocal Agreement to furnish Solid Waste Landfill Access, Fire Protection Services and Communications and Jail Services with 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.

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF DAWSON

INTERLOCAL AGREEMENT

THAT THIS IS EVIDENCE IN WRITING of an Interlocal Agreement entered into this day by and between the CITY OF LAMESA, TEXAS, a Texas home rule municipality, hereinafter called "City", and DAWSON COUNTY, TEXAS, a political subdivision of the State of Texas, hereinafter called "County".

WITNESSETH:

WHEREAS, County and City join together in this cooperative agreement to provide for the public safety of the residents of the City and County; and

WHEREAS, it is in the best interest of the public to avoid duplication of facilities, personnel, and equipment, and to generally improve coordination of law enforcement and services in the community; and

WHEREAS, it is in the best interest of the public health and welfare of the people of the County and City to have such services available in the community; and

WHEREAS, it is the intent of the parties hereto to comply with the provisions of the Interlocal Cooperation Act, Chapter 791 of the Government Code of the State of Texas, which provides that the City and County may contract with other local governments to provide governmental functions and services, which services include jail and communications services.

NOW THEREFORE, the City and County, acting herein through their respective governing bodies, agree as follows:

1. Fire Department

The County may reimburse the City \$200,000 in FY 2023-2024. Future years will be done on an audit basis of the prior year of the Fire Department's total expense. Dawson County will be responsible for the percentage (%) of the calls in the County for that audited year. Reimbursement payments will be quarterly after. Further, the County will reimburse the Volunteer Firefighters for mileage who respond to fires outside the city limits of the City.

Should a major equipment purchase occur in a fiscal year by the Lamesa Municipal Fire Department, the County at their discretion share up to fifty (50) % of the total cost. Grants or other funding sources are to be disclosed to the County. The City will inform the County of budgeted or planned fire department equipment purchases at the earliest possible time so that budget preparations can be made. Any failure to inform may result in a reduction in this reimbursement.

2. Pre-Magistrate Holding

In Consideration of 911 Communication services provided to the County by the City of Lamesa Police Department ("LPD"), County agrees to house Lamesa Police Department detainees in the Dawson County Jail until a magistrate can review the case. Any Medical expenses, including medical clearance costs incurred by these LPD detainees prior to appearing before the Magistrate, will be the responsibility of the City.

The arresting agency is responsible for Mental Health transportation to an approved

facility. Emergency Detention Order by West Texas Centers will be according to the patient's address. Lamesa Police will transport patients with City addresses and Dawson County Sheriff's Office will transport patients with a County Address.

3. Solid Waste

In consideration of the City allowing residents of the County residing outside the city limits of the City, County will reimburse the City the sum of \$10,000. This amount will be based upon the total usage by County residents residing outside of the city limits of the City for the prior year. This payment will be made in quarterly installments of \$2500.00.

The County Precincts and County residents, subject to the terms of this agreement, shall have the same rights of access to the City's landfill as City residents paying the monthly residential sanitation service fee. County Precincts, the Texas Department of Transportation, and County residents may dispose of approved residential wastes at the landfill at the rate of 2,000 pounds per month according to the City Code of Ordinance Section 13.02.178 (e) at no charge, provided that proof of residence in the County be exhibited upon entering the landfill. Additionally, County Precincts and the Texas Department of Transportation shall have the right to place illegally dumped tires in the landfill at no charge. County agrees to investigate each instance of illegal dumping and prosecute the persons responsible for such illegal dumping as appropriate.

4. Swimming Pool

County agrees to reimburse the City \$20,000 for the City's swimming pool. This payment will be made each January 15, 2023. If the Swimming Pool does not open for that year, the County will be reimbursed the \$20,000.00.

5. Airport

The County and City may each pay fifty percent (50%) of the capital improvement expenses of the Lamesa-Dawson County Airport. The Airport Board will provide a capital improvement plan for the County and the City in advance of future needs and apply for all grants available.

6. Term

The term of this agreement shall be for one year, commencing October 1, 2023, and terminating at midnight on September 30, 2024.

7. Funding

The obligations of County and City in this agreement are expressly made contingent upon the availability of funds for each item and obligation contained herein for the term of this agreement. In the event no funds or insufficient funds are appropriated by either County or City to satisfy such entity's obligations under this contract for the period covered by such entity's budget or appropriation, this agreement shall terminate without penalty to either County or City.

8. Indemnity

City agrees to save and hold harmless Sheriff and County, and Sheriff's successors in office, for all claims for damages for which Sheriff or County may be held liable resulting from the County's housing of City of Lames Police Department detainees due to acts or omissions of any City employee. County agrees to save and hold City harmless from any claims for damages for which City may be held liable resulting from the County's housing of City of Lames Police Department detainees due to acts or omissions of any County employee.

9. Dispute Resolution

It is specifically understood that any dispute over technical or policy issues relating to the terms of this agreement that may occur during the term of this agreement may be resolved by mutual consent of the City Manager of the City and the Sheriff, County Judge, Mayor and Chief of Police. Any such resolution shall be committed to written form and presented to the City Council of the City and the Commissioner's Court of the County. If both the City Council and County Commissioners ratify such resolution, it shall be included as an amendment to this agreement.

10. Right to Terminate

Notwithstanding any other provision herein regarding the term of this agreement, either party hereto shall have the right to terminate this agreement upon thirty day's (30) written notice to the other party. In the event of such termination, neither County or City shall have any further obligation hereunder.

11. Invalidity

It is specifically understood that in the event that any section, subsection, sentence, clause or phrase of this agreement is, for any reason, held to be invalid, such holding shall not affect the validity of the remaining portions of this agreement.

12. Provisions Cumulative

The provisions of this agreement are to be cumulative and all other contracts, agreements, or parts of contracts or agreements, whether written or oral, governing or regulating the subject matter of this agreement are hereby expressly repealed.

13. Entire Agreement

This agreement contains the entire agreement of the parties. There are no other agreements, oral or written, between the County and City and the terms of this agreement may be amended only by written instrument, signed, and ratified by both the City Council of the City and the County Commissioner's Court.

EXECUTED this the ____ day of _____, 2023, but effective October 1, 2023.

ATTEST:

THE CITY OF LAMESA, TEXAS

Betty Conde
City Secretary

Josh Stevens
Mayor

ATTEST:

DAWSON COUNTY, TEXAS

Clare Christy
County Clerk

Foy O'Brien
County Judge

Matt Hogg Sheriff

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: JANUARY 22, 2024

AGENDA ITEM: 5

SUBJECT: EXECUTIVE SESSION
PROCEEDING: Closed Session
SUBMITTED BY: City Council
EXHIBITS:
AUTHORITY: Texas Open Meetings Act Chapter 551, Government Code

SUMMARY STATEMENT

Council to consider convening into closed executive session regarding:

Sec. 551.074, Texas Government Code: "Personnel Matters; CLOSED MEETING. (a) This chapter does not require a governmental body to conduct an open meeting: (1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee." No action will be taken in closed session.

Discuss appointment to LEAP Board

COUNCIL ACTION

DISCUSSION: _____

Motion by Council Member _____ to convene in closed executive session in accordance with the provisions of the Texas Open Meetings Act. Motion seconded by Council Member _____ and upon being put to a vote the motion _____.

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

**CERTIFIED AGENDA: EXECUTIVE SESSION OF
THE CITY COUNCIL OF THE CITY OF LAMESA, TEXAS**

On this day, January 22, 2024, at a special called meeting of the City Council of the City of Lamesa, Texas the Council adjourned into a closed executive session; notice of said session having been given by a notice posted at the City Hall, 601 South First Street at least seventy-two hours in advance.

A. ANNOUNCEMENT BY PRESIDING OFFICER:

"The City Council will begin its executive session on January 22, 2024, at _____ P.M."

The subject matter of each executive session deliberation is as follows:

Section 551.074 Texas Government Code: personnel matters regarding to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

RECORD OF ACTION TAKEN: _____.

B. ANNOUNCEMENT BY PRESIDING OFFICER:

"The City Council has completed its executive session on January 22, 2024, at _____ P.M."

C. CERTIFICATION:

I hereby certify that this agenda of an executive session of the City Council of the City of Lamesa, Texas is a true and correct record of the proceedings pursuant Texas Open Meetings Act (Chapter 551, Government Code).

WITNESS my hand this _____, 2024.

Josh Stevens Mayor

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: JANUARY 22, 2024

AGENDA ITEM 6

SUBJECT: RECONVENE TO OPEN SESSION
SUBMITTED BY: City Council
EXHIBITS:
AUTHORITY: Texas Open Meetings Act

SUMMARY STATEMENT

Reconvene into open session to consider and discuss taking action.

Appointment to LEAP Board

COUNCIL ACTION

Motion by Council Member _____ to appoint _____ to the Lamesa Economic Alliance Project for a two (2) year term ending December 2026. Motion seconded by Council Member _____ and upon being put to a vote the motion passed.

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

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: JANUARY 22, 2024

AGENDA ITEM:7

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, February 20, 2024**, at City Hall, 601 South First Street.