

**CITY OF DALHART, TEXAS
REGULAR CITY COUNCIL MEETING
TUESDAY, JULY 28, 2020
<http://www.dalharttx.gov>**

City Council Chambers, 205 Rock Island Street, Dalhart, Texas

Notice is hereby given of the Regular Meeting of the City Council of the City of Dalhart, Texas to be held at Dalhart City Hall on Tuesday, July 28, 2020 at 6:00 p.m. The following business will be considered:

PRAYER

CONSENT AGENDA

1. Minutes of Regular Meeting July 14, 2020.

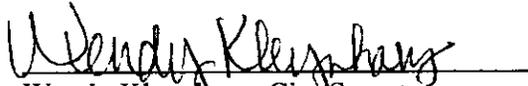
REGULAR AGENDA

1. Public Comments
2. Consider and act upon tabled item for the recommendation from the Planning and Zoning Commission and conduct first reading of **Ordinance 2020-13** on the proposed zone change of Section 5, Block 48, H&TC RY Co, City of Dalhart, Dallam County, Texas from R-3 Residential to Commercial Zoning to establish a manufactured home park. (901 East 1st Street/Thomas Berryman)
3. Consider and act upon request for funding for Sammy Bhakta's new hotel. (2 adjacent streets that will be around the hotel)
4. Consider and act upon adopting **Ordinance 2020-14**, to cancel the Bond Election scheduled in November.
5. Consider and act upon renewing terms for Airport Board members, which expired in May 2020.
6. Consider and act upon appointing Kacey Hall as an Electric Board member.
7. Discuss and act upon rescinding the contract with Gene F. Rahll and Louse Rahll and Enterprises Limited Partnership concerning the building of a recreation center.
8. Consider and act upon conveying to Gene and Louise Rahll the 13.32 acre tract described in Exhibit A originally conveyed to the City of Dalhart
9. Discuss and approve recommendation for funding from the Community Development Committee.

10. Comments from City Manager and Department Heads.

CERTIFICATION

I certify that the above Notice of Meeting was posted at the front door of the Dalhart City Hall no later than the 24th day of July, 2020 before 5:00 p.m.


Wendy Kleynhans, City Secretary

NOTICE: The Dalhart City Hall is wheelchair accessible. Access to the building and special parking are available at the west entrance facing Rock Island Street. Requests for accommodations or interpretive services must be made at least 48 hours in advance of the meeting by contacting the City Secretary's Office at (806) 244-5511, Ext.3202 or by FAX (806) 244-4414. Braille is not available. The City of Dalhart reserves the right to convene into Closed Session under Government Code 551.071-551.074 and 551.086.

Item

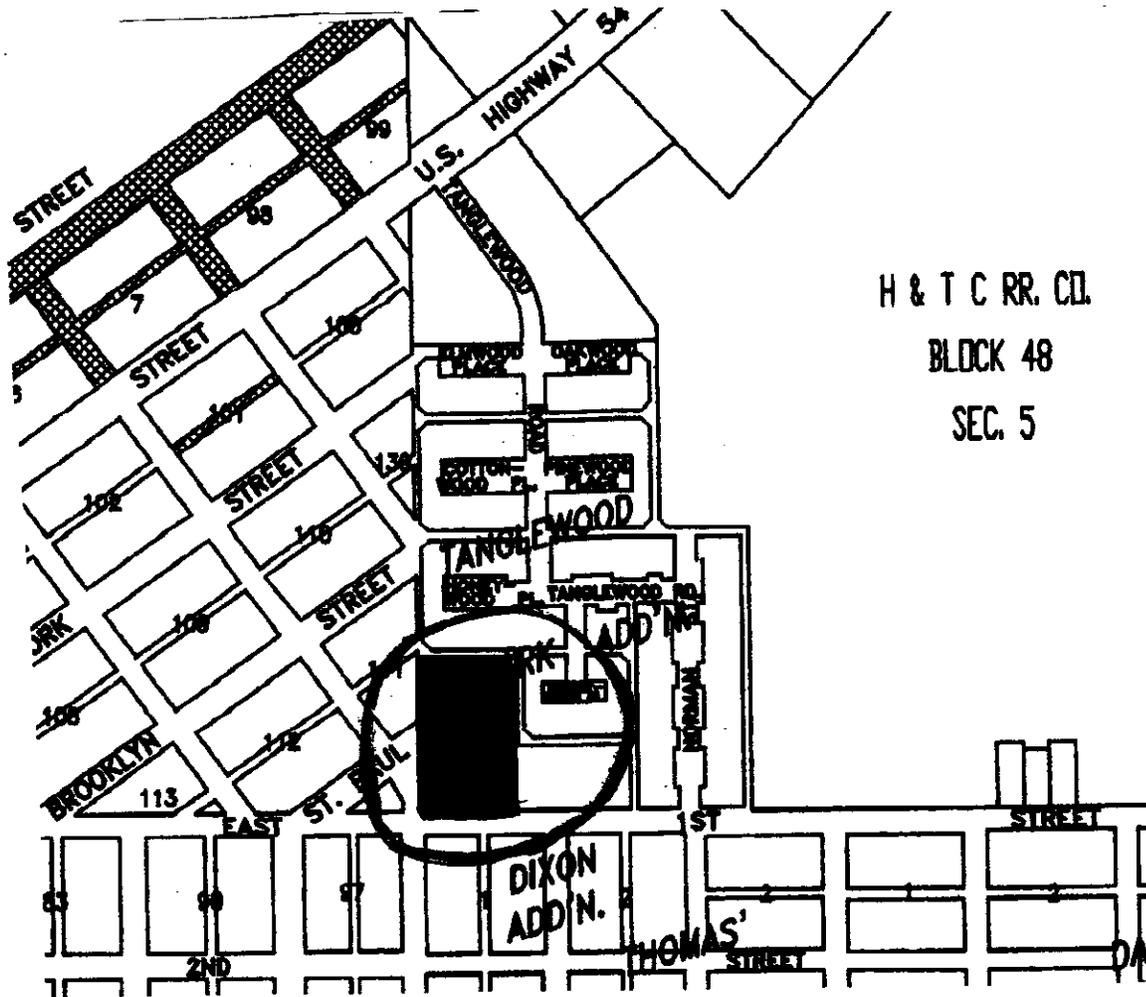
No. 2

LEGAL NOTICE

NOTICE OF PUBLIC HEARING: The Planning and Zoning Commission of the City of Dalhart, Texas, will conduct a Public Hearing at Dalhart City Hall, 205 Rock Island, on Monday, July 13, 2020 at 5:15 p.m.

AGENDA

Consider request from Thomas Berryman to re-zone Section 5, Block 48, H&TC RY Co, City of Dalhart, Dallam County Texas from R-3 Residential to Commercial Zoning to establish a manufactured home park.
(901 East 1st Street)



CERTIFICATION

I certify that the above Notice of Meeting was posted at the front door of the Dalhart City Hall on this the 15th day of June, 2020 before 5:00 p.m.

Frances Childers

Frances Childers, City Secretary

Item

No. 4

ORDINANCE 2020-14

AN ORDINANCE CANCELLING THE BOND ELECTION TO BE HELD IN THE CITY OF DALHART, TEXAS ON NOVEMBER 3, 2020; AND ADDRESSING OTHER MATTERS INCIDENTAL THERETO

WHEREAS, pursuant to an ordinance adopted by the City Council (the *Council*) of the City of Dalhart, Texas (the *City*) on February 11, 2020, a bond election was ordered to be held in the City on May 2, 2020 (the *Election*), which Election was postponed until November 3, 2020; and

WHEREAS, on March 13, 2020, the Governor of the State of Texas (the *Governor*) certified that the novel coronavirus (COVID-19) poses an imminent threat of disaster and, under the authority vested in the Governor by Section 418.014 of the Texas Government Code, declared a state of disaster for all counties in Texas (the *Disaster Proclamation*); and

WHEREAS, in furtherance of the Disaster Proclamation, the Governor issued an order on March 16, 2020 (the *Open Meetings Order*) temporarily suspending certain provisions of the Open Meetings Act, Chapter 551 of the Texas Government Code; and

WHEREAS, pursuant to Section 2.081 and Section 2.082 of the Texas Election Code, as amended, the City may cancel a moot bond election; and

WHEREAS, the Council hereby finds and determines that the Election has been rendered moot by the Disaster Proclamation and changes in local circumstances due to COVID-19; and

WHEREAS, the early voting period for the Election has not begun; and

WHEREAS, the Council hereby finds and determines that all proceedings and actions to date with respect to the Election have been proper and appropriate; and

WHEREAS, the Council hereby finds and determines that cancelling the Election is in the best interests of the residents of the City; now, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALHART, TEXAS THAT:

SECTION 1. The Election is hereby cancelled as moot pursuant to the findings above and is subject to recall by ordinance of the Council should circumstances change.

SECTION 2. The City Secretary of the City will post notice or cause to be posted a copy of this ordinance (a) on the City's website; (b) on the City's bulletin board where notice of Council meetings is routinely made; and (c) at each polling place that would have been used for the Election during early voting by personal appearance and on election day in compliance with Section 2.081 of the Election Code, as amended.

SECTION 3. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

SECTION 4. All ordinances, orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters ordained herein.

SECTION 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 6. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public, and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code, and as modified by the Open Meetings Order.

SECTION 7. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and this Council hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 8. Pursuant to the provisions of Section 1201.028, as amended, Texas Government Code, this Ordinance shall be effective immediately upon adoption.

PASSED AND APPROVED on the _____ day of _____, 2020.

CITY OF DALHART, TEXAS

Mayor

ATTEST:

City Secretary

(CITY SEAL)

Item

No. 8

Exhibit A

A 13.32± acre tract or parcel of land being a portion of that certain tract or parcel of land as recorded in Volume 146, Page 401, Official Public Records of Dallam County, Texas, being out of Subdivision 7, Section 31, Block 48, H. & T. C. R.R. Survey, Hartley County, Texas, said tract of land having been surveyed on the ground by Furman Land Surveyors, Inc., on May 15, 2017 and being further described by metes and bounds as follows:

Point of Beginning is a 1/2 inch iron rod with cap stamped "Furman RPLS" set in the East line of Tascosa Place Subdivision as recorded in Volume 120, Page 543, Deed Records of Hartley County, Texas, same being the Northwest corner of that certain 2.00± acre tract or parcel of land identified as Tract 2 and recorded in Volume 142, Page 730, Deed Records of Hartley County, Texas, whence a 1 inch iron pipe found for the Southwest corner of said 2.00± acre tract bears S 00° 20' 47" E - 450.00 feet;

Thence N 00° 20' 47" W (Base Line) on said East line of Tascosa Place Subdivision, same being the West line of said 13.32± acre tract at a distance of 844.45 feet pass a 1/2 inch iron rod with cap stamped "Furman RPLS" set for the Northeast corner of said Tascosa Place Subdivision, continue on for a total distance of 905.21 feet to a 1/2 inch iron rod with cap stamped "Gallegly 2241" found for a point in the South line of that certain 3.899± acre tract of parcel of land as recorded in Volume 60, Page 159, Official Public Records of Dallam County, Texas, same being the Northwest corner of this tract;

Thence N 89° 57' 39" E on the South line of said 3.899± acre tract, same being the North line of this tract for a distance of 535.95 feet to a 1/2 inch iron rod with cap stamped "Furman RPLS" set in the apparent Westerly Right-of-Way (R-O-W) line of the F. W. & D. C. Railroad, for the Northeast corner of this tract;

Thence S 50° 19' 50" E on said Westerly R-O-W line for a distance of 158.94 feet to a 1/2 inch iron rod with cap stamped "Furman RPLS" set for the most Northerly corner of that certain 2.93± acre tract or parcel of land as recorded in Volume 121, Page 413, Official Public Records of Dallam County, Texas and being the most Easterly Northeast corner of this tract;

Thence S 00° 29' 10" E at a distance of 461.82 feet pass a 1/2 inch iron rod with cap stamped "Gallegly 2241" found for the Southwest corner of said 2.93± acre tract, same being the Northwest corner of Peoples Addition Plat as recorded in Plat Records, Sleeve No. 149, Hartley County, Texas, continue on for a total distance of 490.41 feet to a 1/2 inch iron rod with cap stamped "Furman RPLS" set for an exterior corner of this tract;

Thence S 89° 30' 24" W for a distance of 30.00 feet to a 1/2 inch iron rod with cap stamped "Furman RPLS" set for the apparent West R-O-W line of Peoples Road as recorded in Volume 98, Page 889, Official Real Property Records of Hartley County, Texas for a jog corner;

Thence S 00° 22' 12" E on said West R-O-W line of Peoples Road for a distance of 312.11 feet to a 1/2 inch iron rod with cap stamped "Furman RPLS" set for the Northeast corner of that certain 0.53± acre tract or parcel of land as recorded in Volume 132, Page 565, Official Real Property Records of Hartley County, Texas, same being the Southeast corner of this tract, whence a 1/2 inch iron rod with cap stamped "Gallegly 2241" found for the Southeast corner that certain 1.47± acre tract or parcel of land as recorded in Volume 130, Page 452, Official Real Property Records of Hartley County, Texas bears S 00° 22' 12" E - 450.00 feet;

Thence S 89° 52' 40" W at a distance of 194.00 feet pass a 1/2 inch iron rod with cap stamped "Furman RPLS" set for the Northwest corner of said 0.53± acre tract, same being the Northeast corner of that certain 2.49± acre tract or parcel of land as simultaneously surveyed, at a distance of 434.99 feet pass a 1/2 inch iron rod with cap stamped "Furman RPLS" set for the Northwest corner of said 2.49± acre tract, same being the Northeast corner of that certain 2.00± acre tract or parcel of land identified as Tract 2 as recorded in Volume 142, Page 732, Official Real Property Records of Hartley County, Texas, continue on for a total distance of 628.99 feet to the Point of Beginning.

Said tract contains 13.32 acres of land, more or less.