

March 8, 2021

On this the 8th day of March, 2021 at 6:30 PM the City Council of the City of Friona, Texas, convened in regular session at the regular meeting place thereof, in the Friona City Council Chambers, 619 Main Street, the meeting being open to the public and notice of said meeting having been given as prescribed by Chapter 551 of the Government Code, with the members being present and in attendance, to wit:

Ricky White, Mayor
Bruce Fleming, Alderman
Greg Lewellen, Alderman
Brent Loflin, Alderman
Alan Monroe, Alderman
Leander Davila, City Manager

Absent: Jeff Stowers, Alderman

Others present included: Gayla Quillin- Parmer Medical Center, Administrator
Chief Isidro Jimenez- Friona Police
Clint Mears- Friona Star
Danny Campbell- Friona VFD, Chief
Chance Lewellen- Friona VFD, Assistant Fire Chief
Adriana Woods-proprietor Creative Chaos
David Woods- citizen
Stephen Campbell-proprietor, Campbell Electric
Debra Campbell- proprietor, Campbell Electric
Marla Hart- H&R Block
Jeremy Hart, citizen
Jet Jerden, citizen

Mayor White called the meeting to order at 6:30 P.M.

ITEM 1 ROLL CALL

The Mayor called roll and announced that a quorum was present.

ITEM 2 INVOCATION AND PLEDGE OF ALLEGIANCE

Alderman Lewellen gave the Invocation and Leander Davila led the Pledge of Allegiance to the United States Flag.

ITEM 3 HEAR PUBLIC COMMENTS

Danny Campbell addressed the mayor and council members.

ITEM 4 PROCLAMATION "FRIONA BUSINESS MONTH"

Mayor White read the Proclamation declaring the month of March 2021 as “Friona Business Month” and presented the proclamations to local businesses.

REGULAR HEARINGS:

ITEM 5 CONSIDER AND TAKE ACTION ON APPROVAL OF MINUTES OF THE FEBRUARY 8, 2021 REGULAR CITY COUNCIL MEETING

The minutes were approved with a correction made to Item 10, consider and take action to approve bid for the lease of S/2 of section 29, township 1 North, Range 4 East owned by City. The bid was awarded to Wade Schueler \$18.00/acre. Alderman Fleming voted no.

MOTION Alderman Loflin made the motion to approve the minutes of the February 8, 2021 Regular City Council Meeting. Alderman Fleming made the second to the motion and the motion passed with a unanimous vote of 4/0.

ITEM 6 CONSIDER AND TAKE ACTION ON RESOLUTION NO. 21.03.08 DECLARING THAT EACH CANDIDATE WHOSE NAME IS TO APPEAR ON THE BALLOT IS UNOPPOSED; THAT NO PROPOSITION APPEARS ON THE BALLOT; DECLARING THAT EACH UNOPPOSED CANDIDATE IS ELECTED TO THAT OFFICE; AND RESCINDING THE RESOLUTION CALLING FOR THE MAY 1, 2021 ELECTION

RESOLUTION #21.03.08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRIONA, TEXAS DECLARING THAT EACH CANDIDATE WHOSE NAME IS TO APPEAR ON THE GENERAL ELECTION BALLOT IS UNOPPOSED, THAT NO PROPOSITION APPEARS ON THE BALLOT; DECLARING THAT EACH UNOPPOSED CANDIDATE IS ELECTED TO THAT OFFICE; AND RESCINDING THE RESOLUTION CALLING FOR THE MAY 1, 2021 GENERAL ELECTION.

WHEREAS, on the 8th day of February 2021, the City Council of the City of Friona, Texas duly called for an election to be held on May 1, 2021 for the election of three Aldermen; and

WHEREAS, pursuant to Sections 143.007 and 146.054, Texas Election Code, the deadline for filing applications for a place on the ballot and declaration of write-in candidacy for the City’s regular municipal election has expired; and

WHEREAS, the City Secretary, in accordance with Section 2.052, Texas Election Code has certified in writing to the City Council that Bruce Fleming, Alan Monroe, and Jeff Stowers are unopposed for three Alderman positions; and

WHEREAS, the Friona City Council hereby finds and determines that the candidates whose names are to appear on the ballot in said election for three Aldermen are unopposed, there are no declared write-in candidates, and there are no propositions to appear on the ballot for said May 1, 2021 election;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRIONA, TEXAS:

That pursuant to Section 2.053(b), Texas Election Code, the regular municipal election for three Aldermen heretofore called and ordered for May 1, 2021 shall not be held and is hereby canceled.

That in accordance with Section 2.053(a), Texas Election Code, the following unopposed candidates: Bruce Fleming, Alan Monroe and Jeff Stowers are duly elected to serve as Aldermen on the City Council of the City of Friona, Texas and shall be issued a certificate of election following the date on which the regular municipal election for Aldermen for the City of Friona was to have been held.

That the City Secretary is hereby directed to cause a copy of this Resolution to be posted on Election Day, same being May 1, 2021 at each of the polling places that would have been used in the election.

PASSED AND APPROVED, THIS THE 8TH DAY OF MARCH 2021.

Rick White, Mayor

Rosa Mendez, City Secretary

MOTION Alderman Lewellen made the motion to approve Resolution No. 21.03.08 declaring that each candidate whose name is to appear on the ballot is unopposed: that no proposition appears on the ballot; declaring that each unopposed candidate is elected to that office; and rescinding the resolution calling for the May 1, 2021 election. Alderman Loflin made the second to the motion and the motion passed with a unanimous vote of 4/0.

ITEM 7 CONSIDER AND TAKE ACTION ON RESOLUTION NO. 21.03.08A APPOINTING THE ELECTION OFFICIALS FOR THE MAY 1, FRIONA SCHOOL BOARD ELECTION SETTING THE RATE OF PAY FOR THE ELECTION OFFICIALS, THE MAXIMUM NUMBER OF ELECTION CLERKS FOR THE POLLING PLACE AND DESIGNATION OF THE EARLY VOTING BALLOT BOARD

RESOLUTION #21.03.08A

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRIONA, TEXAS, APPOINTING THE ELECTION OFFICIALS FOR THE MAY 1, 2021 FRIONA SCHOOL BOARD ELECTION, SETTING THE RATE OF PAY FOR THE ELECTION OFFICIALS, THE MAXIMUM NUMBER OF ELECTION CLERKS FOR THE POLLING PLACE, AND DESIGNATION OF THE EARLY VOTING BALLOT BOARD.

WHEREAS, on February 8, 2021, the City Council of the City of Friona, Texas, ordered an election to be held on Saturday, May 1, 2021, for the purpose of electing three (3) Alderman for the Friona City Council;

WHEREAS, The City in accordance with Section 2.052, Texas Election Code has certified in writing to the City Council that Bruce Fleming, Alan Monroe and Jeff Stowers are unopposed for the three Alderman positions; and the City election is canceled.

WHEREAS, on February 13, 2021, the Friona Independent School District order an election to be held on Saturday, May 1, 2021, for the purpose of electing three (3) at large school board trustee;

WHEREAS, the joint election agreement signed by the City of Friona and the Friona Independent School District on February 8, 2021 appoints the Election Administrator, who shall be the City Secretary to coordinate and supervise all aspects of administering the election;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRIONA, TEXAS, THAT:

Section 1. Wendy Samarron, 1007 Columbia, Friona, Texas, will serve as Presiding Judge and Pam Mercado, 602 Arrah, Friona, Texas, will serve as Alternate Presiding Judge and the clerks of the election will be appointed by the Presiding Judge in a number not to exceed four (4).

Section 2. In accordance with Section 32.091 of the Texas Election Code, the judges shall be paid at the rate of \$12.00 per hour and shall receive an additional \$25 for delivery of the returns of the election. The election clerks shall be paid at the rate of \$10.00 per hour.

Section 3. Claudia Castillo, Superintendent Secretary of the Friona Independent School District, will serve as election clerk for the early voting to be held at the Friona Independent School District Administration Building at 909 E 11th Street, Friona, Texas.

Section 4. Early voting, both by personal appearance and by mail shall be by paper ballots and shall be canvassed by an Early Voting Ballot Board. Wendy Samarron shall serve as Presiding Judge and Pam Mercado shall serve as Alternate Presiding Judge, and counting officers at the regular polling place in the City Council Chambers located at 619 Main Street, shall serve as clerks. They are hereby appointed the Early Voting Ballot Board for said election.

PASSED, APPROVED AND ADOPTED this 8th day of March, 2021.

IMPROVEMENT FUND FOR 2020-2021 BUDGET BALANCE TRANSFERS

MOTION The motion was made by Alderman Lewellen to approve the transfer of \$226,419 from Pool Bank Account to the Capital Improvement Fund for 2020-2021 Budget Balance Transfers. The second to the motion was made by Alderman Loflin and the motion was passed with a vote of 4/0.

ITEM 13 CONSIDER AND TAKE ACTION OF AGRICULTURAL LEASE WITH WADE SCHUELER FOR S/2 OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 4 EAST SITUATED IN PARMER COUNTY APPROXIMATELY 320 ACRES TRACT OF LAND FOR 2021-2022 CROP YEARS

Item 13 will be brought back on the April Agenda.

ITEM 14 CONSIDER AND TAKE ACTION ON APPROVAL OF ORDINANCE NO. 2021.03.08 AN ORDINANCE AMENDING THE CITY OF FRIONA, TEXAS CODE OF ORDINANCES AND SETTING FORTH RULES, REGULATIONS AND REQUIREMENTS RELATED TO THE PROHIBITION OF PARKING LARGE VEHICLES ON CITY STREETS, PROVIDING A PENALTY FOR VIOLATING SUCH ORDINANCE, AND PROVIDING AN EFFECTIVE DATE FOR SUCH ORDINANCE

ORDINANCE NO. 2021.03.08

AN ORDINANCE AMENDING THE CITY OF FRIONA, TEXAS CODE OF ORDINANCES AND SETTING FORTH RULES, REGULATIONS AND REQUIREMENTS RELATED TO THE PROHIBITION OF HEAVY TRUCK PARKING, PROVIDING A PENALTY FOR VIOLATING SUCH ORDINANCE, AND PROVIDING AN EFFECTIVE DATE FOR SUCH ORDINANCE

MOTION A motion was made by Alderman Monroe and a second by Alderman Lewellen to approve Ordinance NO. 2021.03.08 an ordinance amending the City of Friona, Texas Code of Ordinances and setting forth rules, regulations and requirements related to the prohibition of parking large vehicles on city streets, providing a penalty for violating such ordinance, and providing an effective date for such ordinance. The motion passed with a vote of 4/0.

ITEM 15 DISCUSSION REGARDING A MOBILE VENDORS ORDINANCE TO ALLOW FOR AND REGULATE MOBILE VENDORS AND FOOD TRAILERS

The Planning & Zoning Commission Board will meet and draft up an Ordinance and bring it to City Council for any additional input.

**ITEM 16 CONSIDER AND TAKE ACTION ON RESOLUTION NO.
21.03.08B DENYING SOUTHWESTERN PUBLIC SERVICE
COMPANY’S PROPOSED RATE INCREASE REQUEST IN
CONNECTION WITH ITS STATEMENT OF INTENT
SUBMITTED ON ABOUT FEBRUARY 8, 2021**

RESOLUTION NO. 21.03.08B

A RESOLUTION BY THE CITY OF FRIONA, TEXAS (“CITY”) DENYING SOUTHWESTERN PUBLIC SERVICE COMPANY’S PROPOSED RATE INCREASE REQUEST IN CONNECTION WITH ITS STATEMENT OF INTENT SUBMITTED ON ABOUT FEBRUARY 8, 2021; CONTINUING THE CITY’S PARTICIPATION IN THE ALLIANCE OF XCEL MUNICIPALITIES (“AXM”); DIRECTING THE ACTIVITIES OF LAWYERS AND CONSULTANTS RELATED TO SPS’S RATE PROCEEDINGS; AUTHORIZING THE HIRING OF ATTORNEYS AND CONSULTANTS; REQUIRING REIMBURSEMENT OF REASONABLE LEGAL AND CONSULTANT EXPENSES; REQUIRING SPS TO PROVIDE PROOF OF PUBLICATION OF NOTICE; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE

WHEREAS, Southwestern Public Service Company (“SPS” or the “Company”) filed a Statement of Intent with the City on or about February 8, 2021 to increase its base revenues; and

WHEREAS, SPS proposes to implement its proposed increase in rates on or about March 15, 2021, and

WHEREAS, on about February 8, 2021, SPS to increase its base-rate revenue for its Texas retail service area by approximately \$74 million, which is an increase in base revenue of about 9.2%; and

WHEREAS, SPS asserts that the need for its increase in rates is driven primarily the cost of serving all of SPS’s Texas retail customers; and

WHEREAS, an evaluation of SPS’ capital investment and costs, among other issues, presents a complex series of regulatory issues; and

WHEREAS, SPS failed to establish that its overall revenue request resulted in no more than an amount that will permit SPS a reasonable opportunity to earn a reasonable return on the utility’s invested capital used and useful in providing service to the public in excess of the utility’s reasonable and necessary operating expenses; and

WHEREAS, SPS failed to establish that its proposed rates were just and reasonable; and

WHEREAS, the City is a regulatory authority under the Public Utility Regulatory Act (“PURA”) and under Chapter 33, §33.001 et seq. of PURA has exclusive original jurisdiction over SPS’ rates, operations, and services within the municipality; and

WHEREAS, SPS may exercise its statutory right to appeal a City decision regarding SPS’ request to increase rates to the Public Utility Commission of Texas (“PUCT”); and

WHEREAS, SPS filed its Statement of Intent to raise rates with the City and with the PUCT on the same date, February 8, 2021, and it is important to intervene in the PUC proceeding because the PUCT’s decisions could impact rates within the City; and

WHEREAS, in order to maximize the efficient use of resources and expertise in participation in any proceedings at the PUCT or in courts of law regarding SPS' rate request and its changes in tariffs, it is prudent to coordinate the City's efforts with a coalition of similarly situated municipalities; and

WHEREAS, the City, in matters regarding applications by SPS to change rates, has in the past joined with other local regulatory authorities to form the Alliance of Xcel Municipalities ("AXM") and hereby continues its participation in AXM.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL/COMMISSION FOR THE CITY OF FRIONA, TEXAS THAT:

Section 1. The findings set out in the preamble are in all things hereby approved.

Section 2. SPS failed to show that its proposed rates are just and reasonable.

Section 3. The City hereby DENIES SPS' request to increase rates and in support thereof finds that:

a) The Statement of Intent fails to provide sufficient information to justify the requested increase in revenue or to justify the changes set forth in the attached tariffs; and

b) The Statement of Intent fails to provide sufficient information to justify the adoption of the rate base, expenses, investment, return on equity, and other rate issues.

Section 4. The City authorizes intervention in proceedings related to SPS' Statement of Intent before the Public Utility Commission of Texas and any related proceedings in any courts of law.

Section 5. The City continues its participation with other cities in a coalition of cities known as the Alliance of Xcel Municipalities ("AXM") with the understanding that the Steering Committee of AXM is to provide direction and guidance to Special Counsel representing said cities.

Section 6. The City hereby retains Herrera & Boyle, PLLC as Special Counsel to represent the City with regard to SPS' requested increase in rates and related proceedings before local and state regulatory authorities and any court of law and authorizes Special Counsel to employ such rate experts as may be necessary for review and evaluation of SPS' rate application.

Section 7. The City, in coordination with the Steering Committee, shall review the invoices of the lawyers and rate experts for reasonableness before submitting the invoices to SPS for reimbursement.

Section 8. SPS shall reimburse the City on a monthly basis, through AXM's coordinating city, the City of Amarillo, Texas, for the reasonable costs of attorneys and consultants and expenses related thereto, upon the presentation of invoices reviewed by the City of Amarillo.

Section 9. Not later than seven days after SPS has completed publication of notice of its proposed increase in rates, SPS shall notify AXM that it has completed notice by providing proof of notice to AXM's Special Counsel, Herrera & Boyle, and such proof shall be in the form of an affidavit from a representative from SPS that has personal knowledge that SPS has published notice; such affidavit shall include a copy of notice SPS published.

Section 10. The City Secretary or other appropriate city official as a courtesy shall send SPS a copy of this Resolution to Jeremiah W. Cunningham, Manager, Rate Cases to: 790

Buchanan Street, Floor 7, Amarillo, Texas 79101 and to Mr. Alfred R. Herrera, Herrera & Boyle, PLLC, 816 Congress Ave., Suite 950, Austin, Texas 78701.

Section 11. The meeting at which this Resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 12. The findings set out in the preamble are in all things hereby approved.

Section 13. This Resolution shall become effective from and after its passage.

PASSED AND APPROVED this _____ day of _____ 2021.

Ricky White, Mayor

ATTEST:

Rosa Mendez, City Secretary

MOTION The motion was made by Alderman Fleming to approve Resolution NO. 21.03.08B denying Southwestern Public Service Company's proposed rate increase request in connection with its statement of intent submitted on about February 8, 2021. The second to the motion was made by Alderman Monroe and the motion was passed with a vote of 4/0 of the city council.

ITEM 17 CONSIDER AND TAKE ACTION ON APPROVAL OF A CONSTRUCTION CONTRACT IN PARTNERSHIP WITH THE FRIONA CEMETERY ASSOCIATION WITH BERMEA CONSTRUCTION FOR THE CEMETERY ASSOCIATION PARKING LOT PROJECT

City council members agreed that they would approve the construction contract if Bermea Construction provides and places 2" of asphaltic concrete versus 1½ as stated in the proposal.

MOTION A motion was made by Alderman Lewellen to approve a construction contract in partnership with the Friona Cemetery Association with Bermea Construction for the Cemetery Association Parking Lot Project. The second to the motion was made by Alderman Monroe and the motion passed with a vote of 4/0.

ITEM 18 CONSIDER AND TAKE ACTION AUTHORIZING THE CITY MANAGER TO SOLICIT BIDS FOR A TRACT OF LAND IN THE NW¼ SECTION 1, T3S R3E, CAPITOL SYNDICATE SUBDIVISION, PARMER COUNTY, TEXAS

MOTION The motion was made by Alderman Lewellen authorizing the city manager to solicit bids for a tract of land in the NW ¼ Section 1, T3S R3E, Capitol Syndicate Subdivision, Parmer County, Texas. The second to the motion

was made by Alderman Loflin. The motion was passed with a unanimous vote of 4/0.

ITEM 19 DISCUSSION REGARDING GOVERNOR ABBOTT'S ANNOUNCEMENT TO LIFT COVID-19 MASK MANDATE

The City Manager would like to continue to leave the face mask requirement for city offices and buildings in effect until 2 weeks (14 days) days after the spring break holiday.

EXECUTIVE SESSION:

Mayor White announced at 7:35 p.m. that the Friona City Council would close into Executive Session. Mayor White, members of the City Council, City Manager Davila and City Secretary Mendez remained for the executive session.

ITEM 20 DISCUSSION REGARDING EMPLOYMENT STATUS OF EMS EMPLOYEES, INCLUDING SALARY, BENEFITS, DISCIPLINE, TERMINATION, PROMOTION, AND/OR RECLASSIFICATION (AUTHORIZED BY TEXAS GOVERNMENT CODE, SUBCHAPTER D, SECTION 551.074 PERSONNEL)

REGULAR HEARING:

Reconvened into Regular Session at 7:51 p.m.

ITEM 21 RECONVENE INTO REGULAR SESSION AND CONSIDER ACTION, IF ANY, ON ITEM 20 DISCUSSED IN EXECUTIVE SESSION

No formal action taken on Item 20.

ITEM 22 ADJOURNMENT

With no further business at hand the meeting was adjourned at 7:51 P.M.

APPROVED:

Ricky White, Mayor

ATTEST:

Rosa Mendez, City Secretary