

October 11, 2022

On this the 11th day of October, 2022 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:

Greg Lewellen, Mayor
 Alan Monroe, Mayor Pro Tem
 Bruce Fleming, Council Member
 Brent Loflin, Council Member
 Esmeralda Mills, Council Member
 Cindy Moreno, Council Member
 Leander Davila, City Manager

Others present included: Sandra Busch, Assistant to the Manager
 Clint Mears, Friona Star Editor
 Maria Mendoza
 Susan Gonzales
 Marie Samarron, Friona Municipal Court Clerk
 Deborah Campbell, Friona Municipal Court Judge

Absent: Rosa Mendez, City Secretary

Mayor Lewellen 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

Mayor Lewellen gave the invocation and Council Member Moreno led the Pledge of Allegiance to the United States Flag.

ITEM 3 HEAR PUBLIC COMMENTS.

No comments from the public.

REGULAR HEARINGS: (6:31)

ITEM 4 CONSIDER AND TAKE ACTION ON APPROVAL OF MINUTES OF THE SEPTEMBER 12, 2022 REGULAR CITY COUNCIL MEETING

MOTION Mayor Pro Tem Monroe made the motion to approve the minutes of the September 12, 2022 Regular City Council meeting. Council Member Loflin made the second to the motion and the motion passed with a 5/0 unanimous vote.

ITEM 5 SWEARING IN OF DEBORAH CAMPBELL AS MUNICIPAL COURT JUDGE FOR A TWO-YEAR TERM 2022 TO 2024

Mayor Lewellen did the swearing in of Judge Campbell for a two-year term.

ITEM 6 CONSIDER AND TAKE ACTION ON A REQUEST FROM THE SENIOR CITIZEN FELLOWSHIP CENTER

MOTION Council Member Fleming made a motion to approve funding in the amount of \$600/month for a 12-month period and also cover the water, sewer and trash costs of the Senior Citizen Fellowship Center as long as it is operational with a second from Mayor Pro Tem Monroe. The city council voted unanimously and the motion was passed with a vote of 5/0.

ITEM 7 CONSIDER AND TAKE ACTION ON THE NOTICE OF ELECTION TO BE HELD ON NOVEMBER 8, 2022

CONSIDERAR Y ADOPTAR MEDIDAS PARA ANUNCIO DE LA ELECCION QUE SE LLEVARA ACABO EL DIA 8 DE NOVIEMBRE 2022

MOTION Upon a motion by Council Member Moreno and a second by Mayor Pro Tem Monroe, the notice of election to be held on November 8, 2022 was approved. The city council voted unanimously and the motion was passed with a vote of 5/0.

ITEM 8 CONSIDER AND TAKE ACTION ON RESOLUTION NO. 22.10.11 APPOINTING THE ELECTION OFFICIALS FOR THE NOVEMBER 8, 2022 LOCAL OPTION LIQUOR 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 NO. 22.10.11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRIONA, TEXAS, APPOINTING THE ELECTION OFFICIALS FOR THE NOVEMBER 8, 2022 LOCAL OPTION LIQUOR 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 August 8, 2022, the City Council of the City of Friona, Texas, ordered an election to be held on Tuesday, November 8, 2022 for the purpose of submitting to the qualified voters of said city the question of whether or not to permit the legal sale of all alcoholic beverages, including mixed beverages;

WHEREAS, The City in accordance with Section 501.035, Texas Election Code, hereby orders that a local option election be held on Tuesday, November 8, 2022, and that at said election, the following proposition shall be submitted, shall the City of Friona permit the legal sale of all alcoholic beverages including mixed beverages;

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

Section 1. Stormi Choate, 1127 Etta Street, Friona, Texas, will serve as Presiding Judge and Noelia Rocha, 612 Woodland Street, 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. The election clerks shall be paid at the rate of \$10.00 per hour.

Section 3. Rosa Mendez, City Secretary, will serve as election clerk for the early voting to be held at the City Council Chambers located at 619 Main 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. Stormi Choate shall serve as Presiding Judge and Noelia Rocha 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 11TH DAY OF OCTOBER 2022.

/s/ Rosa Mendez
Rosa Mendez, City Secretary

/s/ Greg Lewellen
Greg Lewellen, Mayor

The Student Poll Worker Program will not assist with this election due to the nature of the proposition being voted. The council agreed. A date will be set for next week to meet with judge's and election clerks to test the voting equipment and participate in an election day training session.

MOTION The motion was made by Council Member Fleming to approve Resolution 22.10.11 appointing the election officials for the November 8, 2022 Local Option Liquor 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. The second to the motion was made by Council Member Loflin and the motion passed with a vote of 5/0.

ITEM 9 CONSIDER AND TAKE ACTION ON APPROVAL OF RESOLUTION NO. 22.10.11A DESIGNATING THE FRIONA STAR AS THE CITY’S OFFICIAL NEWSPAPER

RESOLUTION NO. 22.10.11A

A RESOLUTION OF THE CITY OF FRIONA, TEXAS DESIGNATING THE FRIONA STAR AS THE OFFICIAL NEWSPAPER FOR THE CITY OF FRIONA, TEXAS AND ESTABLISHING AN EFFECTIVE DATE OF OCTOBER 11, 2022

WHEREAS, Chapter 52, Section 52.004, Texas Local Government Code requires that as soon as practicable after the beginning of each municipal year, the governing body of the municipality shall designate, by ordinance or resolution, a public newspaper to be the municipality’s official newspaper until another newspaper is selected; and

WHEREAS, the public newspaper serving the City of Friona, Texas and the local area that is most widely read is the Friona Star; and

WHEREAS, the Friona Star meets all the requirements for service as the official newspaper of the City of Friona;

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

The City Council of the City of Friona hereby resolves that the Friona Star is the “Official Newspaper” of the City of Friona, Texas.

PASSED AND APPROVED this 11th day of October, 2022.

/s/ Greg Lewellen
Greg Lewellen, Mayor

ATTEST:
/s/ Rosa Mendez
Rosa Mendez, City Secretary

MOTION The motion was made by Mayor Pro Tem Monroe to approve Resolution No. 22.10.11A designating the Friona Star as the city’s official newspaper. Council Member Moreno seconded the motion and the motion passes with a vote of 5/0.

ITEM 10 CONSIDER AND TAKE ACTION ON ORDINANCE NO. 2022.10.11 APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE EXECUTIVE COMMITTEE OF CITIES SERVED BY ATMOS

WEST TEXAS (“CITIES”) AND ATMOS ENERGY CORP., WEST TEXAS DIVISION REGARDING THE COMPANY’S 2022 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHMENT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN ATTACHMENT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE CITIES’ REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE CITIES’ LEGAL COUNSEL

ORDINANCE NO. 2022.10.11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRIONA, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE EXECUTIVE COMMITTEE OF CITIES SERVED BY ATMOS WEST TEXAS (“CITIES”) AND ATMOS ENERGY CORP., WEST TEXAS DIVISION REGARDING THE COMPANY’S 2022 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHMENT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN ATTACHMENT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE CITIES’ REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE CITIES’ LEGAL COUNSEL

MOTION The motion was made by Council Member Fleming to approve Ordinance No. 2022.10.11 an Ordinance of the City Council of the City of Friona, Texas, approving a negotiated settlement between the executive committee of cities served by Atmos West Texas (“cities”) and Atmos Energy Corp., West Texas division regarding the company’s 2022 Rate Review Mechanism filing. The second to the motion was made by Council Member Moreno and the motion passed with a unanimous vote of 5/0.

ITEM 11 CONSIDER AND TAKE ACTION ON CONFIRMATION OF AUDITOR GAYLA FULLERTON, FULLERTON & ASSOCIATES PLLC, PROVIDING SERVICE FOR ONE YEAR ENDING SEPTEMBER 2023

MOTION Mayor Pro Tem Monroe made the motion to confirm auditor Gayla Fullerton providing service for one year ending September 2023. The second to the motion was made by Council Member Fleming and the motion passed with a vote of 5/0.

ITEM 12 CONSIDER AND TAKE ACTION ON APPROVAL OF ACCOUNTS PAYABLE FOR SEPTEMBER 2022

City Manager reviewed Accounts Payable with the City Council.

MOTION Council Member Fleming made the motion to approve the September 2022 Accounts Payable. The second to the motion was made by Council Member Loftin and the motion carried with a unanimous vote of 5/0.

ITEM 13 CONSIDER AND TAKE ACTION ON APPROVAL OF THE FINANCIAL STATEMENT FOR SEPTEMBER 2022

MOTION A motion was made by Council Member Fleming with a second by Mayor Pro Tem Monroe to approve the Financial Statement for September 2022. The motion passed unanimously with a vote of 5/0.

ITEM 14 CONSIDER AND TAKE ACTION ON APPROVAL OF QUARTERLY FINANCIAL STATEMENT ENDING SEPTEMBER 2022

MOTION Council Member Fleming made the motion to approve the Quarterly Financial Statement ending September 2022. Mayor Pro Tem Monroe made the second to the motion and the motion passed with a unanimous vote of 5/0.

ITEM 15 ADJOURNMENT

With no further business at hand the meeting was adjourned at 7:58 p.m.

APPROVED:

/s/ Greg Lewellen
Greg Lewellen, Mayor

ATTEST:

/s/ Rosa Mendez
Rosa Mendez, City Secretary