

MINUTES OF JUNE 10, 2024, REGULAR MEETING

On this, the 10th day of June 2024, beginning at 6:00 p.m., the City Council convened in regular session in the City Council Room. The meeting being open to the public and notice of said meeting having been given as prescribed by Chapter 51 of the Government Code with the following being present and in attendance to wit:

Mayor Joe Davis, Council Members Ed Bailey, Ray Dickson, David Gilbert, C.W. Ivey, Leslie Ivy, Melisa McIntosh, Lloyd Roberts and Woody Richardson. Employees present were City Secretary Cindy Woodard, Police Chief Rex Plant, Public Works Director Junior Casas and Fireman Nick Narvaez. Others present were Anita Rodriguez, Bob Tribble and Chris Hurt.

CALL TO ORDER AND INVOCATION

Mayor Davis called the regular meeting to order and noted a quorum present. He welcomed all in attendance and asked Alderman Richardson to voice the invocation. The following items were presented.

PUBLIC COMMENT

No comments were made

APPROVE CONSENT AGENDA ITEMS

The consent agenda items were presented for approval: the regular meeting minutes from May 13, 2024, accept collections and pay expenditures for May 2024. Alderman Bailey moved to approve the consent agenda items, seconded by Alderman Roberts. The vote was unanimous in favor.

DEPARTMENT HEAD REPORTS ON MONTHLY ACTIVITIES

Public Works Director Junior Casas reported they have been busy fixing leaks and keeping the properties mowed. The front-end loader will be going to Amarillo for repairs to fix the bushings. They have two wells down that are needing repairs. Alderwoman Ivy asked about spraying for stickers in the park. Casas reported they are planning to spray and will have to shut down the park to allow the chemical to dry which takes about an hour.

Fireman Nick Narvaez presented his written report. The recent rains are keeping things green so there have not been many fires. All the sirens are now working properly. He reported the brush truck is repaired and running well. They also have their tanker truck ready to use.

Police Chief Rex Plant presented his written report. Cassie has finished her class and is waiting to take her test to get reinstated. They are having an active shooter training class at the high school this week so all his officers will have that training. He is getting the impound lot ready and has already collected funds from two impounds.

CONTINUATION OF MINUTES JUNE 10, 2024

City Secretary Woodard read a letter from the Hall County Heritage Hall thanking them for the funding from the Hotel Occupancy Tax fund. They are open three afternoons a week and one Saturday a month. She also reported the upcoming TML Region 2 meeting will be on July 18th and the City of Dalhart is hosting. There will also be a Local Government Services Summit prior to the meeting sponsored by PRPC. Woodard presented the proposed updates to the policy and procedure manual and reported they would have it on the agenda next month for approval.

NEW BUSINESS

CONSIDER APPROVAL OF COUNCIL COMMITTEE APPOINTMENTS

Mayor Davis gave his recommendations for the 2024/2025 committee appointments. Alderman Gilbert moved approve the 2024/2025 Council Committee appointments, seconded by Alderwoman Ivy. The vote was unanimous in favor. A copy of the committee's follows these minutes.

CONSIDER REQUEST FOR ASSISTANCE FROM HOTEL OCCUPANCY TAXES FOR CORN HOLE TOURNAMENT DURING HALL COUNTY PICNIC – CHRIS HURT

Chris Hurt presented his request for assistance to host a cornhole tournament during the Hall County Picnic with the proceeds going to the Children's Miracle Network. He is requesting \$1,000 and will also request the same from the Memphis Chamber and Loves. Alderwoman McIntosh moved to approve the request for \$1,000 from the hotel occupancy taxes for the Corn Hole Tournament during the Hall County Picnic, seconded by Alderman Gilbert. The motion passed with seven in favor and Alderwoman Ivy abstaining from the vote.

CONSIDER APPROVAL OF PROPERTY LEASE AGREEMENT WITH ROLLING PLAINS SPORTSMAN CLUB

Bob Tribble with the Rolling Plains Sportsman Club discussed the reason the club was given a 99-year lease was due to the property being an old landfill site and how it had to be closed. City Secretary Woodard reported that the city attorney says the club must be a non-profit with the Secretary of State to lease them the property. The club is still working on getting their 501C3 reinstated. Alderman Bailey moved to table the lease, seconded by Alderman Ivey. The vote was unanimous in favor.

CONSIDER RESOLUTION 6-10-24A APPROVING THE PROJECT OF THE MEMPHIS ECONOMIC DEVELOPMENT CORPORATION TO BRENT & DANA BAUCOM DBA THE CORNER COFFEE AND GIFTS

Resolution 6-10-24A was presented. Alderwoman McIntosh moved to approve Resolution 6-10-24A approving the project of the Memphis Economic Development Corporation to Brent & Dana Baucom dba The Corner Coffee and Gifts, seconded by Alderwoman Ivy. The vote was unanimous in favor. A copy of the Resolution follows these minutes.

CONTINUATION OF MINUTES JUNE 10, 2024

CONSIDER RESOLUTION 6-10-24B APPROVING INTERVENTION OF SWEPCO RATE INCREASE

Resolution 6-10-24B was presented. Alderman Richardson moved to approve Resolution 6-10-24B approving the intervention of the SWEPCO rate increase, seconded by Alderman Gilbert. The vote was unanimous in favor. A copy of the Resolution follows these minutes.

CONSIDER ORDINANCE 696 AMENDING CHAPTER 11, TRAFFIC AND VEHICLES

Ordinance 696 amending Chapter 11 was presented. Alderman Gilbert moved to approve Ordinance 696 amending Chapter 11, Traffic and Vehicles, seconded by Alderman Roberts. The vote was unanimous in favor. A copy of the Ordinance follows these minutes.

CONSIDER APPROVAL OF LEASE AGREEMENT FOR ANIMAL CONTROL VEHICLE

Police Chief Plant presented the lease agreement to upgrade the animal control vehicle. They can take delivery of the new truck and not have a payment until next fiscal year. Alderman Roberts moved to approve the lease agreement for the animal control vehicle, seconded by Alderman Ivey. The vote was unanimous in favor.

CONSIDER APPROVAL OF TX HEALTH INSURANCE EMPLOYEE PREMIUM OPTIONS FOR 2024/2025

City Secretary Woodard reported there is a 3% increase in premiums this year with no options to change. She recommended continuing with the benefits they offered last year. Alderman Gilbert moved to approve the TX Health Insurance Employee premium options for 2024/2025 as offered last year, seconded by Alderman Bailey. The vote was unanimous in favor.

CONSIDER PAYMENT ARRANGEMENT OPTIONS WITH STATE COMPTROLLER FOR SALE TAX OVERPAYMENT

City Secretary Woodard reported the State Comptroller has overpaid the city \$13,548.66 and is offering a re-payment arrangement. She recommends the monthly payback option as they had selected in May 2022. This will add \$\$347.00 per month for the remaining 39 months. Alderwoman McIntosh moved to approve the monthly payment arrangement option with the State Comptroller for the sales tax overpayment, seconded by Alderman Roberts. The vote was unanimous in favor.

CONTINUATION OF MINUTES JUNE 10, 2024

CONSIDER ACCEPTING BID FOR 1020 W. BRADFORD OLD LAUNDRY MAT PROPERTY

City Secretary Woodard reported no bids were received. Alderman Gilbert moved to extend the bid one more month, seconded by Alderwoman McIntosh. The vote was unanimous in favor.

CONSIDER AGREEMENT WITH TEXAS WORKFORCE SOLUTIONS AND PANHANDLE REGIONAL PLANNING COMMISSION FOR TEACHER EXTERNSHIP

City Secretary Woodard explained the teacher externship program. There would be no cost to the city and Melissa Hibbitts is the teacher. Alderman Bailey moved to approve the agreement with Texas Workforce Solutions and Panhandle Regional Planning Commission for teacher externship, seconded by Alderwoman McIntosh. The vote was unanimous in favor.

DISCUSS ACCEPTING DONATION FROM JIM SEXTON FOR A BEAUTIFICATION PROJECT

City Secretary Woodard reported she was contacted regarding a donation from Jim Sexton to the city for a beautification project. He is looking at donating about \$15,000 but would like to have a plaque for the project in memory of his wife Wilma. After some discussion, Alderman Ivey moved to accept the donation and use it on new playground equipment, seconded by Alderman Dickson. The vote was unanimous in favor.

CONSIDER DATE FOR BUDGET WORKSHOP

Dates were discussed and a budget workshop was set for June 24, 2024, at 6:00 p.m. in the Community Center.

MAYOR AND COUNCIL ITEMS OF COMMUNITY INTEREST

Alderman Ivey thanked Melisa, Leslie and Cindy for their work on the policy and procedure manual. Alderwoman McIntosh thanked everyone for what they do. Alderman Dickson thanked everyone and said it was nice to meet the new members and see the returning ones. Alderman Roberts stated he is having a good time and he has been in Memphis for two years. He is doing his best to make Memphis better and make it grow. Alderman Richardson thanked everyone for coming together and making the best decisions for our citizens with no agenda for ourselves. Alderman Bailey thanked everyone for what they do and he agreed with Alderman Richardson that we all to help our community. Alderwoman Ivy stated we have a great council and appreciates everyone as you know this can be a thankless job at times. We appreciate our city employees and she is excited about getting the park fixed up. Alderman Gilbert stated he is glad to be with a group that cares this much about their town and the passion they put into it. It's a town worth being passionate about and he is looking forward to all the things they will accomplish. Mayor Davis talked about the letter he had sent out last month about what the

CONTINUATION OF MINUTES JUNE 10, 2024

council would like to see done and he wants to spur everyone on to the things they want to get done in their neighborhoods. He asked them to think about that and not wait until the council meeting to bring them up. He wants to see about getting some roll offs to help cleanup on Morningside and some other areas in town. He would also like to see them work on the park and possibly make some extra camping areas to enhance the park.

ADJOURN

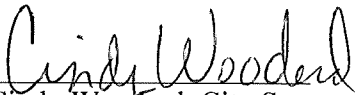
Alderman Bailey moved to adjourn the meeting, seconded by Alderman Dickson. The vote was unanimous in favor. The meeting was adjourned at 8:22 p.m.

Approved:



Joe Davis, Mayor

Attest:



Cindy Woodward, City Secretary

RESOLUTION NO. 6-10-24A

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MEMPHIS, TEXAS: APPROVING A PROJECT OF THE MEMPHIS TYPE B ECONOMIC DEVELOPMENT CORPORATION; PROVIDING A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the Memphis Type B Economic Development Corporation (the "EDC") has presented a request for approval of that certain Economic Development Agreement with the associated promissory note, security agreement, deed of trust, and personal guaranty of Brent and Dana Baucom (collectively the "Agreement") between the EDC and The Corner 7 LLC, a Texas limited liability company ("LLC"); and

WHEREAS, through the Agreement, the EDC seeks to promote business development in the Memphis, Texas area by allowing LLC to assume the loan between the EDC and Morgan Jayne Gallego and Eduardo Alonso Gallego d/b/a Morgan Jaynes (with a current balance of \$91,401.72 at 4% interest with 137 monthly payments of \$832.15 per month remaining) and providing and additional loan of \$38,000 (at 7.5% interest with 84 equal monthly payments) to LLC to fund the purchase of certain equipment, inventory, and improvements to the building at 121 S. Boykin St, Memphis, Texas for the operation of a business (the "Project"), which is expected to have a substantial stimulative effect on the Memphis economy and to promote new or expanded business development in and near the City of Memphis;

WHEREAS, the City Council finds that it is in the best interest of promoting economic development of the City of Memphis to approve the Project; and

WHEREAS, Section 505.158, Texas Local Government Code, requires that a Type B Corporation authorized by a city with a population of 20,000 or less that approves a project requiring an expenditure of \$10,000 or more may not undertake the project until the governing body of the city

adopts a resolution authorizing the project after giving the resolution two separate readings; and

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

SECTION 1. That the statements set forth in the recitals of this Resolution are true and correct and are hereby incorporated into this Resolution.

SECTION 2. That the Agreement and the Project are hereby APPROVED.

SECTION 3. That should any part of this resolution conflict with any other resolution, then such other resolution is repealed to the extent of the conflict with this resolution.

SECTION 4. That should any word, phrase, or part of this resolution be found to be invalid or unconstitutional, such finding shall not affect any other word, phrase, or part hereof and such shall be and continue in effect.

SECTION 5. That this Resolution shall take effect immediately from and after its passage at a second separate reading.

SECTION 6. That this Resolution is read and adopted at meetings that were open to the public and notice of the time, place, and purpose of said meetings was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

INTRODUCED, READ, AND APPROVED by the City Council of the City of Memphis, Texas at first reading on the 13th day of May 2024.

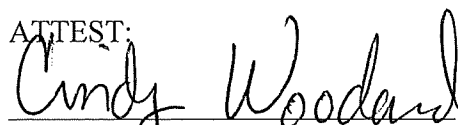
READ, APPROVED, AND ADOPTED by the City Council of the City of Memphis, Texas at second reading on the 10th day of June 2024.

CITY OF MEMPHIS



Joe Davis, Mayor

ATTEST:



Cindy Woodard, City Secretary

RESOLUTION NO. 6-10-24B

A RESOLUTION OF THE CITY OF MEMPHIS TEXAS FINDING THAT AEP TEXAS INC.'S REQUESTED INCREASE TO ITS ELECTRIC TRANSMISSION AND DISTRIBUTION RATES AND CHARGES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL

WHEREAS, on or about February 29, 2024, AEP Texas Inc. ("AEP Texas" or "Company"), pursuant to Public Utility Regulatory Act ("PURA") §§ 33.001 and 36.001 filed with the City of MEMPHIS ("City") a Statement of Intent to change electric delivery rates in all municipalities exercising original jurisdiction within its service area, effective April 4, 2024; and

WHEREAS, the City is an electric utility customer of AEP Texas and a regulatory authority over the rates and charges of AEP Texas within the City; and

WHEREAS, the City is a member of the Cities Served by AEP Texas ("Cities"), a membership of similarly situated cities served by AEP Texas that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in AEP Texas' service area; and

WHEREAS, Cities is an intervenor in the parallel proceeding at the Public Utility Commission of Texas to review AEP Texas' filing; and

WHEREAS, pursuant to its exclusive original jurisdiction over AEP Texas' rates and operations within city limits, the City previously suspended the effective date of the Company's requested rate increase; and

WHEREAS, PURA § 33.023 provides that costs incurred by cities in ratemaking activities are to be reimbursed by the regulated utility; and

WHEREAS, the City's attorneys and consultants recommend that the City deny the application.

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

SECTION 1. That the rates proposed by AEP Texas in an application submitted to the City by the Company on or about February 29, 2024, are hereby found to be unreasonable, and are denied.

SECTION 2. That the Company shall continue to charge its existing rates for transmission and distribution service to customers with the City.

SECTION 3. That Cities' reasonable rate case expenses shall be reimbursed by AEP Texas within 30 days of presentation of an invoice to AEP Texas.

SECTION 4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law, and that the public notice was given of the time, place, and purpose of said meeting, as required.


SECTION 5. A copy of this Resolution shall be sent to AEP Texas, care of Jennifer Frederick, American Electric Power Company, 400 West 15th Street, Suite 1520, Austin, Texas 78701 (aepaustintx@aep.com), and to Thomas Brocato at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701 (tbrocato@lglawfirm.com).

PASSED AND APPROVED this 10TH day of June, 2024.



MAYOR

ATTEST:



City Secretary

APPROVED AS TO FORM:



City Attorney