

MINUTES FOR THE 17th DAY OF MAY 2016

BE IT REMEMBERED THAT on Tuesday, May 17, 2016, the Groesbeck City Council met in Regular Session at 6:00 p.m. at the Groesbeck Council Chambers with the Honorable Mayor Ray O'Docharty presiding and with , Matthew Dawley, Arleen Taveras, David Hernandez and Kim Harris being present and with Bob Zeman being absent. Staff members present were Chris Henson, Brenda Jackson, Vikki Grimes, Tyrell Hobbs and Paul Fitte. Tykisha Presley, Director of EDC also attended. A list of visitors is attached to the agenda on file.

Pastor Darron Killingsworth gave the invocation and the pledge to the flags was repeated in unity.

Mayor O'Docharty called the meeting to order at 6:00 p.m. Proper posting of the notice of the meeting was verified and a quorum of members was present.

6. Citizen's Comments

There were no citizen's comments.

7. Consent Agenda

(Items placed on the Consent Agenda are considered routine in nature and are considered non-controversial. The Consent Agenda can be acted upon in one motion.)

- a. Approval of Minutes: Regular Session - April 19, 2016
- b. Approval of Waiver for Fireworks Display for 4th of July at the Park (Groesbeck Chamber of Commerce)

A motion was made by Matt Dawley and seconded by David Hernandez to approve the consent agenda. Motion carried unanimously.

8. Consider Approval to Grant Variance at 305 Cayton (Karen & William Harrison)

A motion was made by Matt Dawley and seconded by Arleen Tavares to grant a variance to Karen and William Harrison at 305 Cayton Street. Motion carried unanimously.

9. Consider Approval to Sell Water Outside City Limits on Highway 164 East (Forrest Kennedy Jr.)

A motion was made by David Hernandez and seconded by Kim Harris to sell water on Highway 164 East to Forrest Kennedy Jr. Motion carried unanimously.

10. Consider Approval to Sell Trustee Lots at 600 Block of Washington Street, #R6798 & R6799 (City Administrator)

A motion was made by Kim Harris and seconded by Matt Dawley to sell trustee lots #R6798 & #6799 to Warren Anglin in the amount of \$400.00. Motion carried unanimously.

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11. Consider Approval of Resolution No. 16-R-06, ATMOS Rate Change

Mayor O'Docharty presented Resolution No. 16-R-06, ATMOS Rate Change to the council for approval.

RESOLUTION NO. 16-R-06

A RESOLUTION BY THE CITY OF GROESBECK, TEXAS (“City”), APPROVING A CHANGE IN THE RATES OF ATMOS ENERGY CORPERATION, MID-TEX DIVISION (“ATMOS”) AS A RESULT OF A SETTLEMENT BETWEEN ATMOS AND THE ATMOS TEXAS MUNICIPALITIES (“ATM”) UNDER THE RATE REVIEW MECHANISM; FINDING THE RATES SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; FINDING THAT THE MEETING COMPLIED WITH THE OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THE RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

WHEREAS, the City of Groesbeck, Texas (“City”) is a regulatory authority under the Gas Utility Regulatory Act “GURA”) and under § 103.001 of GURA has exclusive original jurisdiction over Atmos Energy Corporation – Mid-Tex Division (“Atmos”) rates, operations, and service of a gas utility within the municipality; and

WHEREAS, the City has participated in prior cases regarding Atmos as part of a coalition of cities known as the Atmos Texas Municipalities (“ATM”); and

WHEREAS, pursuant to the Rate Review Mechanism (“RRM”) for 2016 filed with the City on or around March 1, 2016 for a proposed system-wide increase of \$35.4 million; and

WHEREAS, experts representing ATM have been analyzing data furnished by Atmos and interviewing Atmos’ management regarding the RRM; and

WHEREAS, the Steering Committee of ATM and its counsel recommend approval of the attached tariffs, set forth as Attachment A, along with the proof of revenues set forth as Attachment B, which results in an increase in Atmos’ revenue of \$29.9 million, and Attachment

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C, setting forth the beginning balance for purposes of determining pension and other post-employment benefits to be recovered in the next RRM filing.

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

Section 1. The findings set forth in this Resolution are hereby in all things approved.

Section 2. The amended tariffs in Attachment A are hereby adopted to become effective on June 1, 2016.

Section 3. To the extent any Resolution previously adopted by the City Council is inconsistent with this Resolution, it is hereby superseded.

Section 4. 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 5. If any one or more sections or clauses of this Resolution is judged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Resolution and the remaining provisions of the Resolution shall be interpreted as if the offending section or clause never existed.

Section 6. This Resolution shall become effective from and after its passage.

Section 7. A copy of this Resolution shall be sent to Atmos Mid-Tex, care of Christopher Felan, Vice President of Rates and Regulatory Affairs, Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1600, Dallas, Texas 75240 and to Mr. Alfred R. Herrera, Herrera & Boyle, PLLC, 816 Congress Avenue, Suite 1250, Austin, Texas 78701.

.PASSED AND APPROVED this 17th day of May, 2016.

s/ Ray O'Docharty
Mayor

ATTEST:

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s/Brenda Jackson
City Secretary

A motion was made by Matthew Dawley and seconded by David Hernandez to approve Resolution No 16-R-06. Voting for: Matthew Dawley, David Hernandez, Arleen Tavares. Opposing: Kim Harris. Motion carried.

12. Consider Approval of Resolution No. 16-R-05, Canvassing and Declaring 2016 Election Results

Mayor O'Docharty presented Resolution No. 16-R-05, Canvassing and Declaring 2016 Election Results to the council for approval.

RESOLUTION NO. 16-R-05

A RESOLUTION DECLARING RESULTS OF CITY OF GROESBECK GENERAL ELECTION

There came to be considered the returns of an election held on the 7th day of May, 2016, for the purpose of electing the hereinafter named officials, and it appearing from said returns, duly and legally made, that there were cast at said election the following votes:

FOR MAYOR

| NAME OF CANDIDATE | TOTAL VOTES RECEIVED |
|--------------------------|-----------------------------|
| Ray O'Docharty | <u>248</u> |

FOR COUNCILMEMBERS

| NAME OF CANDIDATE | TOTAL VOTES RECEIVED |
|--------------------------|-----------------------------|
| Michael Thompson | <u>157</u> |
| Matthew Dawley | <u>214</u> |
| Tamikia Jackson | <u>340</u> |

That said election was duly called; that notice of said election was given in accordance with law, and that Ray O'Docharty was elected Mayor and that Michael Thompson, Matthew Dawley and Tamikia Jackson were elected Aldermen of the City of Groesbeck at said election, and that said above named parties are hereby declared duly elected to said representative offices, subject to the

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taking of their oaths as provided by laws of the State of Texas. There were a total of 510 votes cast and of these 345 were early votes.

It is further found and determined that in accordance with the order of this governing body the City Secretary posted written notice of the date, place and subject of this meeting on the bulletin board located in City Hall, a place convenient and accessible readily to the general public, and said notice having been so posted and remaining posted continuously for at least 72 hours preceding the scheduled time of said meeting.

PASSED AND APPROVED this the 17th day of May, 2016.

CITY OF GROESBECK, TEXAS

By: s/Ray O'Docharty
Ray O'Docharty
Mayor

ATTEST:

s/ Brenda Jackson
City Secretary

A motion was made by Arleen Tavares and seconded by Kim Harris to approve Resolution No. 16-R-05. Motion carried unanimously.

13. Swearing in of Newly Elected Officials

Mayor O'Docharty was sworn in by City Secretary Brenda Jackson and the council members were sworn in by Mayo O'Docharty.

A plaque of appreciation was given to outgoing Council Member, David Hernandez by the Mayor. Bob Zeman's plaque will be given to him at a later date.

14. Consider Appointment of Mayor Pro Tem

A motion was made by Arleen Tavares and seconded by Kim Harris to appoint Matthew Dawley as Mayor Pro Tem. Motion carried unanimously.

15. Consider Appointment of Deputy Mayor Pro Tem

A motion was made by Arleen Taveras and seconded by Mike Thompson to appoint Kim Harris as Deputy Pro Tem. Motion carried unanimously.

16. Council and City Administrator Comments Relating to Items of Public Interest: Announcements Regarding Local or Regional Civic and Charitable Evens, Staff Recognition, Commendation of Citizens, Traffic Issues, Upcoming Meetings, Informational Update on City Projects, Awards, Acknowledgement of Meeting Attendees, Birthdays,

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Request of the City Administrator for Items To be Placed on Upcoming Agendas and Condolences.

Mayor O'Docharty welcomed City Administrator/Police Chief Chris Henson back to work after his accident.

17. Adjournment

Motion to adjourn was made by Kim Harris and seconded by Matthew Dawley to adjourn the meeting. There being no further business, the meeting was adjourned at 6:40 p.m.

APPROVED:
CITY OF GROESBECK

BY: _____
Ray O'Docharty
Mayor

ATTEST:

Brenda Jackson
City Secretary