



The City Council for the City of Abernathy met in a Regular session on Tuesday, November 12th, 2024, at 6:30 P.M. in the City Hall building at 811 Ave D. Members present were Mayor Ron Johnson, Gary Stephenson, Tammy Mahan, Luis Villarreal, Eva Cortez, and Bilinda Prater. Also present were City Staff including Ricky Patterson, Cindy Tapia, Nadia Micheletti, Luis Hernandez, and Krista Adames. Members of the public are on the attached sign in sheet.

MINUTES

1. Call to Order
Mayor Johnson called the meeting to order.
2. Roll Call of Council Members
Members present were Mayor Ron Johnson, Bilinda Prater, Tammy Mahan, Eva Cortez, Luis Villarreal, and Tammy Mahan.
3. Welcome Guests
Mayor Johnson welcomed the guest.
4. Invocation
Councilwoman Prater gave the invocation.
5. Pledge of Allegiance to the American Flag
Councilwoman Prater led the Pledge of Allegiance to the American Flag.
6. Texas Pledge – “Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.”
Councilwoman Prater led the Texas Pledge.
7. Public Comment (non-action)
Several members of the public spoke on behalf of the previous city manager Don Provost.
8. Review/Approval Minutes of the Previous City Council Meeting
Councilman Stephenson made a motion to approve the minutes of the previous meeting. Councilwoman Prater seconded the motion. The motion passed with a vote of 5/0.
9. Approval of Monthly Financial Reports
Councilwoman Prater made a motion to approve the monthly financial reports. Councilwoman Cortez seconded the motion. The motion passed with a vote of 5/0.
10. Discussion/Action Items
 - a. Discuss and consider awarding bid to demolish the substandard structure located at 904 Ave D. Code Enforcement Officer Cindy Tapia presented 3 bids to council. 7B Construction \$82,800.00, provided certification after the bid deadline. Triton Excavation LLC bid \$34,180, did not meet certification Requirements. Matthews Backhoe bid \$46,000.00, provided certifications with bid. Councilwoman Bilinda made a motion to award Matthews Backhoe to demolish the substandard structure located at 904 Ave D in the amount of \$46,000.00 with proof of liability insurance. Councilman Stephenson seconded the motion. The motion passed with a vote of 4/0/1 with Councilwoman Prater voting for, Councilwoman Mahan voting for, Councilwoman Cortez voting for, Councilman Stephenson voting for, no one voting against, and Councilman Villarreal Abstaining.

- b. Consider Warren Cat Sales Agreement on purchase of a backhoe
Councilman Stephenson made a motion to approve the agreement from Warren Cat on the purchase of a backhoe. Councilwoman Prater seconded the motion. The motion passed with a vote of 5/0.
- c. Consider Resolution 11122024A – casting votes for the Lubbock Central Appraisal District Board of Directors
Councilwoman Prater made a motion to approve Resolution 11122024A casting one vote for Sonny Garza and one vote for Bobby McQueen as Lubbock Central Appraisal District Board of Directors. Councilman Stephenson seconded the motion. The motion passed with a vote of 5/0.
- d. Consider Resolution 11122024B – Atmos Energy Corp. Rate Case
Councilman Stephenson made a motion to approve Resolution 11122024B. Councilwoman Prater seconded the motion. The motion passed with a vote of 5/0.
- e. Consider Resolution 11122024C- authorizing the police dept to apply for a grant for a license plate reader camera.
Councilman Stephenson made a motion to approve Resolution 11122024C – Motor Vehicle Crime Prevention Authority FY 25SB 224 Catalytic Converter Grant Program. Councilwoman Mahan seconded the motion. The motion passed with a vote of 4/1 with Councilwoman Prater voting against.
- f. Consider CD Renewals
Council did not discuss renewing CD's
- g. Discuss and consider reimbursement of overdraft fees caused by technical ACH draft glitch
Councilwoman Mahan made a motion to reimburse a total of \$210.00 for two customers overdraft fees and for legal counsel to try to collect the fee from the software company. Councilman Stephenson seconded the motion. The motion passed with a vote of 5/0.
- h. Discuss and consider awarding quote for the roof repairs at the Senior Citizen's Building
Council did not discuss repairs for the senior citizens roof.
- i. Consider Street Closure December 11th, 2024, for the Abernathy Christmas Parade at Main Street & Avenue D and 16th Street and Ave D.
Councilman Stephenson made a motion to approve street closure on December 11, 2024, for the Abernathy Christmas Parade. Councilwoman Mahan seconded the motion. The motion passed with a vote of 5/0.
- j. Discuss and consider authorizing Abernathy Little League to place score boards at Field 1, 2, and 3 – Abernathy Little League
Councilman Stephenson made a motion to allow the Abernathy Little League to install scoreboards and Flag Poles at Field 1, 2, and Field 3. Councilwoman Prater seconded the motion. The motion passed with a vote of 5/0.
- k. Discuss and consider adding a parking area behind right field of field 2
Tabled
- l. Convene in executive session pursuant to Government Code 551.071 to consult with the city attorney on a matter in which the duty of the attorney's duty to the governmental body under the Texas Rules of Professional Conduct clearly conflicts with the Open Meetings Act.

Council went into executive session at 8:07 P.M.

Council reconvened open session at 8:58 P.M.

- m. Discuss and consider Ordinance 641 ratifying a water system improvement fee.
Councilwoman Prater made a motion to adopt Ordinance 641 ratifying a water system improvement fee. Councilwoman Cortez seconded the motion. The motion passed with a vote of 4/0.
- n. Convene in executive session pursuant to Government Code 551.074 to discuss the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee or hear a complaint or charge against an officer or employee – City Manager Don Provost.
Don Provost requested executive session be in open session.
- o. Discuss and consider approval of Separation Agreement with City Manager Don Provost.
Courtney White with Underwood Law Firm presented council with a separation agreement that Don Provost has signed after the city received his resignation. Several citizens spoke for Don Provost.
Councilman Villarreal made a motion to approve the Separation Agreement with City Manager Don Provost. Councilwoman Prater seconded the motion. The motion passed with a vote of 4/1 with Councilwoman Prater voting for, Councilwoman Mahan voting for, Councilwoman Cortez voting for, Councilman Villarreal voting for, and Councilman Stephenson voting against.

11. Adjournment

Councilwoman Prater made a motion to adjourn. Councilman Cortez seconded the motion. The motion passed with a vote of 4/0.

Mayor Ron Johnson

ATTEST

Krista Adames, City Secretary