

PAYMENT OF EXPENDITURES APPROVED: The expenditures for the first half of February were submitted for the consideration of the Council. Following discussion, motion was made by Council Member DeWeese, seconded by Council Member Dickson, to approve payment of the expenditures for the first half of February as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

ORDINANCE NO. O-002-08 GRANTING XCEL ENERGY A FRANCHISE TO OPERATE IN THE CITY OF BORGER APPROVED: Ordinance No. O-002-08 granting a franchise to Xcel Energy to conduct an electrical lighting and power business within the corporate limits of the City of Borger was submitted for final consideration of the Council. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member DeWeese, to approve on final reading Ordinance No. O-002-08 granting a franchise to Xcel Energy. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

A caption of the ordinance reads as follows:

ORDINANCE NO. O-002-08 FRANCHISE AGREEMENT

AN ORDINANCE GRANTING TO SOUTHWESTERN PUBLIC SERVICE COMPANY, D/B/A XCEL ENERGY (“SPS”), THE RIGHT, PRIVILEGE AND FRANCHISE TO CONDUCT WITHIN THE CITY OF BORGER, TEXAS, AN ELECTRICAL LIGHTING AND POWER BUSINESS AND TO ENTER UPON, ERECT, CONSTRUCT, MAINTAIN, EXTEND, REPAIR, REPLACE AND REMOVE IN, UNDER, UPON, WITHIN, OVER, ABOVE, ACROSS AND ALONG ANY AND ALL OF THE PRESENT AND FUTURE PUBLIC ROADS, HIGHWAYS, STREETS, LANES, AND ALLEYS OF THE CITY OF BORGER, A SYSTEM OF POLES, POLE LINES, TOWERS, DISTRIBUTION LINES, TRANSMISSION LINES, WIRES, GUYS, CABLES, CONDUITS, TRANSFORMERS, AND OTHER DISTRIBUTION AND TRANSMISSION EQUIPMENT, FACILITIES AND APPURTENANCES NECESSARY OR PROPER FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY INTO, IN, WITHIN, FROM, ACROSS, AND THROUGH THE CITY OF BORGER AS NOW EXISTING, OR AS SAID CITY LIMITS MAY HEREAFTER BE EXTENDED; AND GRANTING SPS, ITS SUCCESSORS AND ASSIGNS, THE AUTHORITY TO USE SUCH FOR THE PURPOSE OF TRANSMISSION, DISTRIBUTION, DELIVERY AND SALE OF ELECTRICITY TO THE CITY, AND TO THE INHABITANTS OF THE CITY, OR ANY OTHER PERSON OR PERSONS, FIRMS OR CORPORATIONS, WHEREVER LOCATED WITHIN

OR WITHOUT THE CITY LIMITS OF BORGER, FOR USE BY SUCH PURCHASER OR PURCHASERS FOR ANY PURPOSE AUTHORIZED BY LAW FOR WHICH ELECTRICITY MAY BE USED OR FOR ANY OTHER PURPOSE OR USE WHICH IS OR MAY BECOME NORMAL OR CUSTOMARY IN THE RETAIL ELECTRIC INDUSTRY IN TEXAS; PROVIDING FOR PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING THAT THIS FRANCHISE SHALL BE EFFECTIVE FOR A PERIOD OF TEN (10) YEARS COMMENCING ON THE EFFECTIVE DATE; PROVIDING FOR THE TEMPORARY REMOVAL, RAISING OR LOWERING BY SPS OF ITS WIRES AND OTHER APPURTENANCES; PROVIDING FOR THE RIGHT TO, AND CONDITION OF, THE OPENING OF PAVEMENTS AND SIDEWALKS BY SPS; RETAINING ALL RIGHTS OF CITY TO REGULATE THE LOCATION OF SPS'S FACILITIES IN, UPON, ALONG, UNDER AND OVER THE STREETS, ALLEYS AND OTHER PUBLIC PLACES OF CITY, AS WELL AS TO REQUIRE THE RELOCATION OF SAME; PROVIDING FOR EFFICIENT ELECTRICAL SERVICE AND THE MAINTAINING OF SPS'S FACILITIES; PROVIDING FOR THE USE BY CITY FOR THE PURPOSES SPECIFIED, POLES AND DUCTS OF SPS; PROVIDING COMPENSATION, AND METHOD OF PAYMENT OF SUCH TO THE CITY FOR THE USE BY SPS OF THE STREETS, ALLEYS AND PUBLIC WAYS OF THE CITY; PROVIDING FOR THE MAINTAINING OF RECORDS BY SPS WITH RIGHT OF INSPECTION BY CITY; RESERVING TO CITY ALL POWERS OF REGULATION; PROHIBITING ASSIGNMENT EXCEPT BY CONSENT BY CITY EXCEPT IN CERTAIN CASES; GIVING CITY'S CONSENT TO THE CUTTING AND TRIMMING BY SPS OF CONFLICTING TREES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING THAT THIS FRANCHISE SHALL NOT BE EXCLUSIVE; MAKING MISCELLANEOUS PROVISIONS RELATIVE TO THIS GRANT OF FRANCHISE; REPEALING ALL PREVIOUS ELECTRICAL LIGHTING AND POWER FRANCHISE ORDINANCES; AND PROVIDING FOR THE ACCEPTANCE OF THIS FRANCHISE ORDINANCE BY SPS.

ORDINANCE NO. O-003-08 INTRODUCED: Ordinance No. O-003-08 providing an ad valorem tax freeze on residential homesteads of the disabled and persons 65 years of age or older was submitted for the consideration of the Council. Assistant City Manager Eddie Edwards informed the Council that this tax freeze would not have a financial impact on the City until budget year 2010-2011. At this time, if approximately 20% of the taxable residences are limited under this ordinance the City would only realize a 2.4% increase in revenue from a 3% tax increase. Following discussion, motion was made by Council Member Spradling, seconded by Council Member Dickson, to introduce the ordinance on first reading. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

PUBLIC HEARING CONDUCTED – PLAT APPROVED: Mayor Jeff Brain opened a public hearing on a preliminary and final plat of a 19.381 acre tract of land in the SW/4 of Section 31, and the SE/4 of Section 34, Block Y, A&B Survey and asked if anyone present wished to speak. No comments were heard; therefore, the Mayor closed the public hearing. Motion was made by Council Member Spradling, seconded by Council Member DeWeese, to approve the preliminary and final plat of a 19.381 acre tract of land as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.
Nays: None.

RECOMMENDATION FROM HUTCHINSON COUNTY APPRAISAL DISTRICT FOR DISPOSITION OF PROPERTY APPROVED: Chief Appraiser of the Hutchinson County Appraisal District Diana' Hooks submitted a recommendation to approve a bid received for the sale of Lot 11, Block 2, 715 Hobby, Thompson Addition, which did not sell at a tax sale auction. Following discussion, motion was made by Council Member Spradling, seconded by Council Member Gillingham, to approve the sale of Lot 11, Block 2, Thompson Addition in the amount of \$1,200 as bid. The motion carried by the following vote:

Ayes: All members present voted aye.
Nays: None.

STAFF AUTHORIZED TO ESTABLISH ESCROW ACCOUNT FOR ALLEY PAVING PROJECT: Director of Planning & Zoning Larry Mullenix submitted a letter from Leon Roberts, 103 Loma Linda, requesting the city establish an escrow account to receive funds in the amount of \$608.40 to be used for paving the alley along Lot 13, Block 36, Fairlanes Addition, Unit 13. Following discussion, motion was made by Council Member DeWeese, seconded by Council Member Spradling, to authorize the staff to establish an escrow account to be used for the paving of the alley along Lot 13, Block 36, Fairlanes Addition, Unit 13 as requested, and to schedule the project when all monies have been deposited into the escrow account. The motion carried by the following vote:

Ayes: All members present voted aye.
Nays: None.

QUESTIONS OR COMMENTS: No questions or comments were heard.

MEETING ADJOURNED: Motion was made by Council Member DeWeese, seconded by Council Member Gillingham, to adjourn the meeting.

Mayor

ATTEST:

City Manager