

**REGULAR MEETING OF CITY COUNCIL
APRIL 1, 2008**

1:30 P.M.

PRESENT:	Jeff Brain Garrett Spradling Charles Gillingham Leon DeWeese Marvin Dickson	Mayor Council Member Council Member Council Member Council Member
STAFF:	Wanda Klause Eddie Edwards Larry Mullenix Bruce Roberts Glynn Carlock Bruce Lemery Henry Veach	City Manager Assistant City Manager Director of Planning & Zoning Captain Director of Finance Lieutenant Director of Public Works
VISITORS:	Ted Dodd Robert Vinyard Judy Mihm Joe Mihm Larry Shaffer Kendyl Horton	
NEWS MEDIA:	Michelle Berry	Borger News Herald

MINUTES APPROVED: Following review of the minutes of the regular meeting of March 18, 2008, motion was made by Council Member Spradling, seconded by Council Member Dickson, to approve the minutes as written. The motion carried by the following vote:

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

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

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

ONE (1) OPERATION FACELIFT CONTRACT APPROVED: One operation facelift contract was submitted for consideration of demolition and cleanup of structure(s) located on the following property:

1. 215 E. Jefferson, Lots 39-40, Block 5, Isom Addition

Following discussion, motion was made by Council Member Spradling, seconded by Council Member Dickson, to approve demolition of the structure as requested. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

ONE (1) OPERATION FACELIFT CONTRACT APPROVED: One operation facelift contract was submitted for consideration of demolition and cleanup of structure(s) located on the following property:

1. 111 Arline, Lot 41, Block 9, North Hills Addition

Following discussion, motion was made by Council Member DeWeese, seconded by Council Member Gillingham, to approve demolition of the structure as requested. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

RECOMMENDATION FROM BUILDING STANDARDS COMMISSION

APPROVED: After proper notice and hearings the Building Standards Commission submitted a letter to the Council recommending the demolition of the following properties:

- (a) 424 Whittenburg, Lot 28, Block 41, Original Townsite Addition
- (b) 311 E. Jefferson, Lot 10, Block 2, Isom Addition

Following discussion, motion was made by Council Member Dickson, seconded by Council Member Gillingham, to approve demolition and cleanup of the recommended properties. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

CITY OF BORGER FINANCIAL AUDIT RECEIVED: Charles Gary Murrow, CPA, PLLC, submitted an audit of the city of Borger's financial statements of the governmental activities, the business-type activities, and the aggregate remaining fund information as of and for the year ending September 30, 2007. Mr. Murrow stated that there were no exceptions taken by the auditors. Following discussion, motion was made

by Council Member DeWeese, seconded by Council Member Dickson, to receive the audit. The motion carried by the following vote:

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

ORDINANCE NO. O-005-08 APPROVED: Larry Mullenix, Director of Planning and Zoning, submitted Ordinance No. O-005-08 on final reading adopting the Existing Building Code and specifying amendments to the code. Following discussion, motion was made by Council Member Spradling, seconded by Council Member DeWeese, to approve the ordinance. The motion carried by the following vote:

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

The captioned ordinance reads as follows:

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BORGER, TEXAS IN CHAPTER 3, "BUILDING REGULATIONS", ARTICLE 3.03, BUILDING CODE, BY ADDITION DIVISION 1, "EXISTING BUILDING CODE", BY ADDING, ARTICLE 3.02.100, "ADOPTION", AND BY ADDING ARTICLE 3.02.101, "AMENDMENTS"

RESOLUTION NO. R-005-08 PERTAINING TO SOUTHWESTERN PUBLIC SERVICE COMPANY'S STATEMENT OF INTENT AND APPLICATION TO REVISE ITS SECONDARY GENERAL SERVICE, LARGE MUNICIPAL SERVICE, AND LARGE SCHOOL SERVICE TARIFFS WAS APPROVED BY THE CITY COUNCIL: Assistant City Manager Eddie Edwards advised the Council that the proposed amendments to certain tariffs as proposed by Southwestern Public Service Company would have little material effect on rates paid by the City of Borger, and recommended that Resolution No. R-005-08 be approved. Following discussion, motion was made by Council Member Spradling, seconded by Council Member DeWeese, to approve Resolution No. R-005-08 approving Southwestern Public Service Company's proposed amendments to certain tariffs. The motion carried by the following vote:

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

The resolution reads as follows:

A RESOLUTION BY THE CITY OF BORGER, TEXAS (CITY) APPROVING SOUTHWESTERN PUBLIC SERVICE COMPANY'S (SPS) PROPOSED AMENDMENT TO CERTAIN TARIFFS; EXPRESSLY RESERVING TO THE CITY THE RIGHT TO RE-

EXAMINE THE TARIFF CHANGES IN SPS NEXT GENERAL RATE CASE; REQUIRING THE REIMBURSEMENT OF EXPENSES ASSOCIATED WITH THE REVIEW OF SPS TARIFF AMENDMENTS; DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE

WHEREAS, Southwestern Public Service Company (“SPS”) recently concluded a general rate case in Docket No. 32766 before the Public Utility Commission of Texas, whose Final Order was issued on July 27, 2007; and

WHEREAS, in its Final Order the Public Utility Commission of Texas approved new rate classes for SPS referred to in SPS’ tariffs as “Large Municipal Service, Large School Service, and Secondary General Service” classes of customers; and

WHEREAS, the creation of such new rate classes resulted in the billing of demand charges to customers upon whom such charges had not previously been imposed, thereby resulting in substantial bill increases to some customers; and

WHEREAS, SPS timely notified the City of SPS’ intention to file amendments to its tariffs for the “Large Municipal Service, Large School Service, and Secondary General Service” classes of customers; and

WHEREAS, SPS did in fact on or about February 27, 2008, submit for approval by the City in the exercise of its original jurisdiction, proposed amendments to its tariffs for “Large Municipal Service, Large School Service, and Secondary General Service” classes of customers to provide rate relief to such customers; and

WHEREAS, SPS proposed an effective date of April 2, 2008, for its amendments to its tariffs for “Large Municipal Service, Large School Service, and Secondary General Service” classes of customers; and

WHEREAS, the City pursuant to its authority granted local regulatory authorities under Chapters 33 and 36 of the Public Utility Regulatory Act as well as other provisions of the Act, has reviewed SPS’ proposed tariff filing for reasonableness; and

WHEREAS, the investigation of SPS’s proposed tariff amendments indicates that SPS’ proposed amendments will result in a billing reduction to affected customers, which reductions vary customer-to-customer, depending on the customer’s usage patterns; and

WHEREAS, the investigation of SPS’s proposed tariff amendments indicates that no customer will experience an increase in rates as a result of SPS’ proposed amendments to its tariffs; and

WHEREAS, SPS has stated that its proposed tariff amendments will not result in an increase in rates to any customer.

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

Section 1. The findings set out in the preamble are in all things approved and incorporated herein as if fully set forth.

Section 2. SPS’ proposed amendments to SPS’ tariffs for “Large Municipal Service, Large School Service, and Secondary General Service” classes of customers are hereby approved with an effective date of April 2, 2008.

Section 3. The City’s approval of SPS’ amendments to its tariffs for “Large Municipal Service, Large School Service, and Secondary General Service” classes of customers, is granted subject to the City’s express reservation of the right to reexamine such tariffs in SPS’ next general rate case.

Section 4. SPS shall reimburse within 30 days after submission the City’s reasonable costs associated with the City’s activities related to this rate review or to related proceedings involving SPS before the City, the Public Utility Commission of Texas, or any court of law.

PASSED, APPROVED, AND ADOPTED, on this the 1st day of April, 2008, at a regular meeting of the City Council of the City of Borger, Texas which meeting was held in compliance with the Open Meetings Act, Tex Gov’t Code, §551.001, et.seq. at which meeting a quorum was present and voting.

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ORDINANCE NO. O-006-08 INTRODUCED PERTAINING TO RURAL/URBAN HAZARD MITIGATION PROGRAM: Ordinance No. O-006-08 amending the Code of Ordinances in Chapter 5, Fire Prevention and Protection, amending Section 5.04, Fire Code, adding Article 5.05 Fire Hazard Mitigation was submitted for the consideration of the Council. Fire Chief Bob Watson advised the Council as to the success of two controlled burns initiated by the Borger Fire Department. Chief Watson said that in order for the City to fully comply with the TCEQ regulations, the Council would need to approve a Rural/Urban Hazard Mitigation Plan in the form of an ordinance. Following discussion, motion was made by Council Member Spradling, seconded by Council

Member Dickson, to introduce on first reading Ordinance No. O-006-08 establishing a Rural/Urban Hazard Mitigation Plan. The motion carried by the following vote:

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

RESOLUTION NO. R-006-08 APPROVED: Resolution No. R-006-08 appointing Glendon Jett to serve the unexpired term of JoAnn Wasicek on the Canadian River Municipal Water Authority Board of Directors, term expiring July 31, 2009, was submitted for the consideration of the Council. Following discussion, motion was made by Council Member DeWeese, seconded by Council Member Spradling, to approve Resolution No. R-006-08 appointing Glendon Jett to serve the unexpired term of JoAnn Wasicek on the CRMWA Board of Directors; term expiring July 31, 2009. The motion carried by the following vote:

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

Resolution No. R-006-08 reads as follows:

**RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF BORGER, TEXAS**

**THE STATE OF TEXAS
CITY OF BORGER
COUNTY OF HUTCHINSON**

ON THIS, the 1st day of April, 2008, the City Council of the City of Borger, Texas, met in regular session with five (5) members present, when among other business transacted, the following action was taken:

The Mayor introduced the following resolution:

WHEREAS, the City Council of this City heretofore elected Glendon Jett as a member of the Board of Directors of the **CANADIAN RIVER MUNICIPAL WATER AUTHORITY** for the term ending July 31, 2009, pursuant to the provisions of Chapter 243 of the Laws passed by the Regular Session of the Texas Legislature in 1953, as amended, and,

WHEREAS, such office has now become vacant by reason of resignation, and

WHEREAS, in the performance of its duty to do so under said Law, this City Council desires to officially elect a person qualified to fill the vacancy occasioned as aforesaid, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS:

1. That Glendon Jett, a qualified voter and a property owning taxpayer of the City of Borger who is not a member of the governing body or an employee of said City, be and is hereby elected to the Board of Directors of the **CANADIAN RIVER MUNICIPAL WATER AUTHORITY** for the unexpired term beginning April 1st, 2008 and ending July 31st, 2009.
2. The Director elected as aforesaid shall be certified to the Board of Directors of the **CANADIAN RIVER MUNICIPAL WATER AUTHORITY** by the Mayor of this City and shall otherwise qualify in the manner prescribed by the above mentioned law relating to said Authority.

The above resolution having been read, the motion of Council Member DeWeese for its passage was duly seconded by Council Member Spradling. Thereupon, the Mayor put the motion to vote by the City Council and the motion carried by the following vote:

AYE 5 **NO** 0

The Mayor declared the motion carried and the resolution adopted.

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INTERLOCAL AGREEMENT FACILITATED BY PARKHILL, SMITH & COOPER BETWEEN MUNICIPALITIES IN THE PANHANDLE AREA FOR A GROUP SEAL COATING PROJECT APPROVED: Parkhill, Smith & Cooper, Inc., (Engineers), Amarillo, submitted an interlocal agreement stating that the Engineers will serve as the agent for each of the cities in the Panhandle area in all matters relating to the bidding of the seal coat program and the management of the program once the bidding has been completed. City staff believes that the City of Borger will get a better price per yard by participating with area cities in this endeavor. Following discussion, motion was made by Council Member DeWeese, seconded by Council Member Gillingham, to approve the Interlocal Agreement as written. The motion carried by the following vote:

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

INVITATION TO BID ON ONE NEW CUSTOM BUILT CHASSIS/ENGINE/PUMPER AND ONE NEW ENGINE/PUMPER ON A CHASSIS SUPPLIED BY THE CITY: Fire Chief Bob Watson explained equipment needs in the fire department stating that by purchasing one custom built chassis/engine/pumper and one new engine/pumper to be installed on a city owned chassis it would bring the fire department back to a full fleet. Following discussion, motion was made by Council Member Spradling, seconded by Council Member DeWeese, to invite bids on one new custom built chassis/engine/pumper and one new

engine/pumper to be installed on a city owned chassis. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

RENTAL AND RESERVATION POLICY FOR COFIELD COMMUNITY

CENTER APPROVED: Assistant City Manager Eddie Edwards submitted a Rental and Reservation Policy for the Cofield Community Center. Council raised concerns regarding the cost of reserving the facility and the hours of operation. Following discussion, motion was made by Council Member DeWeese, seconded by Council Member Dickson, to approve the Rental and Reservation Policy for Cofield Community Center as amended. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

QUESTIONS OR COMMENTS: None heard.

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

Mayor

ATTEST:

City Manager