

**REGULAR MEETING OF CITY COUNCIL
MARCH 1, 2016 - 6:30 P.M.**

PRESENT:	Robert Vinyard	Mayor
	Marvin Dickson	Mayor Pro-Tem
	Karen Felker	Council Member
	Charles Gillingham	Council Member

ABSENT:	Odis McClellan	Council Member
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STAFF:	Eddie Edwards	City Manager
	Stella E. Sauls	City Secretary
	Scott Radach	Director, Finance Department
	Anthony Griffin	Judge, Municipal Court
	Bruce Roberts	Chief, Police Department
	Rhonda Miller	IT Specialist

VISITORS:	Rev. Danny Courtney	
	Jesse Shuffield	Beverly Benton
	Ricky Horton	Paula Griffin
	Jim Corbett	Milton R. Ooley
	Rick Lyles	Lisa Vinyard

NEWS MEDIA: Tabitha Fleming

QUESTIONS AND COMMENTS FROM CITIZENS: Citizens who have indicated their desire to speak to the City Council will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter is on the agenda, City Council members are prevented from acting on the subject and may respond only with statements of factual information or existing city policy; however, City Council members may request city staff to place the subject matter on a future agenda. Citizens are limited to three (3) minutes for their presentation to the City Council.

No comments heard.

MINUTES APPROVED: Following review of the minutes of the regular meeting of February 16, 2016, motion was made by Council Member Dickson, seconded by Council Member Gillingham, to approve the minutes of the regular meeting of February 16, 2016. 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 February 2016 were submitted for the consideration of the Council. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Dickson, to approve payment of the expenditures of the last half of February 2016 as submitted. The motion carried by the following vote:

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

MUNICIPAL CONDITIONAL SALE AGREEMENT BETWEEN THE YAMAHA GOLF-CARS COMPANY AND THE CITY OF BORGER AND THE LEASE AGREEMENT BETWEEN THE PHILLIPS GOLF COURSE ASSOCIATION AND THE CITY OF BORGER APPROVED: City Manager Eddie Edwards and Mr. Jim Corbett explained the choices made on the Lease Agreement for the Golf Carts as well as the addendum to the lease agreement. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Gillingham, to approve the following:

- a. The Municipal Conditional Sale Agreement between Yamaha Golf-Car Company and the City of Borger.
- b. The Addendum to the Lease Agreement between the Phillips Golf Course Association and the City of Borger.

The motion carried by the following vote:

Ayes: All present voted for the aye.
Nays: None.

RESOLUTION R-004-16 SUSPENDING FOR 90 DAYS SPS' PROPOSED EFFECTIVE DATE IN CONNECION WITH ITS STATEMENT OF INTENT SUMITTED ON FEBRUARY 16, 2016 APPROVED: City Manager Eddie Edwards explained to the Council the necessity of the Resolution. Following discussion, motion was made by Council Member Felker, seconded by Council Member Dickson, to approve Resolution R-004-16 suspending for 90 days, SPS' proposed effective date in connection with its Statement of Intent submitted February 16, 2016 and authorizing the City to join with other cities in the Alliance of Xcel Municipalities to direct the activities of lawyers and consultants. The motion carried by the following vote:

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

Resolution R-004-16 reads as follows:

RESOLUTION R-004-16

A RESOLUTION BY THE CITY OF BORGER, TEXAS SUSPENDING SOUTHWESTERN PUBLIC SERVICE COMPANY'S PROPOSED EFFECTIVE DATE IN CONNECTION WITH ITS STATEMENT OF INTENT SUBMITTED ON ABOUT FEBRUARY 16, 2016; AUTHORIZING THE CITY TO JOIN WITH OTHER CITIES IN THE ALLIANCE OF XCEL MUNICIPALITIES TO DIRECT THE ACTIVITIES OF LAWYERS AND CONSULTANTS; AUTHORIZING THE HIRING OF ATTORNEYS AND CONSULTANTS; REQUIRING REIMBURSEMENT OF REASONABLE LEGAL AND CONSULTANT EXPENSES; REQUIRING PROOF OF NOTICE; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE

WHEREAS, Southwestern Public Service Company ("SPS") filed a Statement of Intent with the City of Borger, Texas ("City") to increase its base-rate revenue requirement for its Texas retail service area by approximately \$71.9 million, which is an increase in base revenue of about 14.41%; and,

WHEREAS, the City is a regulatory authority under the Public Utility Regulatory Act ("PURA") and under Chapter 33, §33.001 et seq. of PURA has exclusive original jurisdiction over SPS' rates, operations, and services within the municipality; and,

WHEREAS, in order to maximize the efficient use of resources and expertise in reviewing, analyzing, and investigating SPS' rate request and its changes in tariffs it is prudent to coordinate the City's efforts with a coalition of similarly situated municipalities; and,

WHEREAS, the City, in matters regarding applications by SPS to change rates, has in the past joined with other local regulatory authorities to form the Alliance of Xcel Municipalities ("AXM") and hereby continues its participation in AXM; and,

WHEREAS, SPS' rate request, which was filed on about February 16, 2016, consists of a voluminous amount of information including SPS' rate-filing package, pre-filed direct testimony, exhibits, schedules, and work papers; and,

WHEREAS, SPS proposed March 22, 2016 as the effective date for its requested increase in rates, which is the 35th day after the date SPS submitted its application; and,

WHEREAS, it is not possible for the City to complete its review of SPS' filing within 35 days; and,

WHEREAS, the City will need an adequate amount of time to review and evaluate SPS' rate application to enable the City to adopt a final decision as a local regulatory authority with regard to SPS' requested rate increase.

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 hereby approved.

Section 2. SPS's proposed effective date of March 22, 2016 for its filing of February 16, 2016, is hereby suspended for an additional ninety (90) days, or at least until June 20, 2016.

Section 3. The statutory suspension period will be extended automatically day for day should SPS extend its proposed effective date, and may be further extended if SPS does not provide timely, meaningful, and proper public notice of its request to increase rates, or if its rate-filing package is materially deficient.

Section 4. The City continues its participation with other cities in a coalition of cities known as the Alliance of Xcel Municipalities ("AXM") with the understanding that the Steering Committee of AXM is to provide direction and guidance to Special Counsel representing said cities.

Section 5. The City hereby retains Herrera & Boyle, PLLC as Special Counsel to represent the City with regard to SPS' requested increase in rates and related proceedings before local and state regulatory authorities and any court of law and authorizes Special Counsel to employ such rate experts as may be necessary for review and evaluation of SPS' rate application.

Section 6. The City, in coordination with the AXM Steering Committee, shall review the invoices of the lawyers and rate experts for reasonableness before submitting the invoices to SPS for reimbursement.

Section 7. SPS shall reimburse the City on a monthly basis, through AXM's coordinating city, the City of Amarillo, Texas, for the reasonable costs of attorneys and consultants and expenses related thereto, upon the presentation of invoices reviewed by the City of Amarillo.

Section 8. Not later than seven days after SPS has completed publication of notice of its proposed increase in rates, SPS shall notify AXM that it has completed notice by providing proof of notice to AXM's Special Counsel, Herrera & Boyle, and such proof shall be in the form of an affidavit from a representative from SPS that has personal knowledge that SPS has published notice; such affidavit shall include a copy of notice SPS published.

Section 9. The City Secretary or other appropriate city official shall notify SPS of this Resolution by

sending a copy of the Resolution to Evan Evans, Regional Vice President, Rates and Regulatory Affairs, and Brooke Trammell, Rate Case Manager, Southwestern Public Service Company, P.O. Box 1261 Amarillo, Texas 79105-1261 and also Stephen Fogel and Matthew Loftus, Xcel Energy Services, Inc., 816 Congress Ave., Suite 1650, Austin, Texas 78701-2471; and AXM shall be notified by sending a copy of this Resolution to Mr. Alfred R. Herrera, Herrera & Boyle, PLLC, 816 Congress Ave., Suite 1250, Austin, Texas 78701.

Section 10. This Resolution shall become effective from and after its passage.

PASSED, APPROVED, AND ADOPTED, on this the 1st of March, 2016, 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.

REQUEST FROM FRANK PHILLIPS COLLEGE TO THE BORGER CHAMBER OF COMMERCE APPROVED: Beverly Benton of the Borger Chamber of Commerce explained to the Council the request made by Frank Phillips College to the Chamber for aid in the expansion of their current facilities, to begin a Livestock and Genetics Education Center. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Gillingham, to approve the recommendation from the Borger Chamber of Commerce to fund a Grant of \$21,000 from the Tourism Fund to Frank Phillips College's Livestock and Genetics Education Center. The motion carried by the following vote:

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

FINAL READING OF ORDINANCE O-002-16 APPROVED: City Secretary Stella E. Sauls explained that this is the final reading of Ordinance O-002-16 to amend the ordinance currently on file with the Texas State Library and Archive Commission and the City of Borger Code of Ordinances. Following discussion, motion was made by Council Member Felker, seconded by Council Member Dickson, to approve on final reading Ordinance O-002-16 designating the City Secretary office as Records Management Officer and adopting the Texas State Library and Archives Commission Records Retention Schedule excluding the Police Records and amending the City of Borger Code of Ordinances, Chapter 1, General Provisions; Article 1.02, Administration; Division 3, Records Management.

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

The caption for Ordinance O-002-16 reads as follows:

ORDINANCE O-002-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, AMENDING THE CITY OF BORGER CODE OF ORDINANCES, CHAPTER 1, GENERAL PROVISIONS; ARTICLE 1.02, ADMINISTRATION; DIVISION 3, RECORDS MANAGEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

MEETING ADJOURNED: There being no further business, motion was made by Council Member Dickson, seconded by Council Member Gillingham, to adjourn the meeting. The motion carried by the following:

Ayes: All members present voted aye.

Nays: None.

Mayor

ATTEST:

Secretary