

**REGULAR MEETING OF CITY COUNCIL
MAY 21, 2013 – 1:30 P.M.**

PRESENT:	Jeff Brain	Mayor
	Robert Vinyard	Mayor Pro-Tem
	Brandy Callahan	Council Member
	Marvin Dickson	Council Member
	Charles Gillingham	Council Member

STAFF:	Eddie Edwards	City Manager
	Rhonda Miller	I/T Specialist
	Stella E. Sauls	City Secretary
	Larry Byrd	Code Enforcement
	Jimmy Adams	Chief, Police Department
	Bruce Roberts	Captain, Police Department
	Ralph Earles	Assistant Director, Public Works
	Candice Hurst	Clerk, Public Works

VISITORS:	Paul Burwash	Pastor, Fairlanes Baptist Church
	Meryl Barnett	Jesse Shuffield
	Polly Gillingham	Bill Carder
	Brad Carpenter	

NEWS MEDIA: Michelle Berry

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 and work session of May 7, 2013 motion was made by Council Member Dickson, seconded by Council Member Gillingham, to approve the minutes as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

PAYMENT OF EXPENDITURES APPROVED: The expenditures for the first half of May 2013 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 for the first half of May 2013 as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

OATH OF OFFICE ADMINISTERED TO NEWLY ELECTED COUNCIL MEMBERS: City Secretary Stella E. Sauls administered the Oath of Office to Marvin “Bubba” Dickson and Charles Gillingham. Mayor Brain presented Mr. Dickson and Mr. Gillingham with a Certificate of Election.

ELECTION FOR THE MAYOR FOR ELECTION YEAR 2012-2013: Ballots were distributed for the election of Mayor for the election year 2013-2014. City Secretary Stella E. Sauls canvassed the ballots and announced that Jeff Brain had been elected Mayor by a four to one vote. No further action required.

MAYOR PRO-TEM ELECTED FOR ELECTION YEAR 2013-2014: Council Member Vinyard was nominated for Mayor Pro-Tem by Council Member Dickson. The nomination carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

ORDINANCE O-006-13 DECLARING SPS’ EXISTING RATES UNREASONABLE AND ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE SETTLEMENT AGREEMENT APPROVED: City Manager Eddie Edwards stated that this is the seconded reading of Ordinance O-006-13. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Callahan, to approve Ordinance O-006-13 approving the Settlement Agreement between the Alliance of Xcel Municipalities and Southwestern Public Service Company regarding SPS’ Statement of Intent, declaring existing rates unreasonable, and adopting tariffs that reflect rate adjustments consistent with the Settlement Agreement. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

The caption of Ordinance O-006-13 reads as follows:

ORDINANCE O-006-13

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
BORGER, TEXAS APPROVING A SETTLEMENT AGREEMENT**

BETWEEN THE ALLIANCE OF XCEL MUNICIPALITIES (“AXM”) AND SOUTHWESTERN PUBLIC SERVICE COMPANY (“SPS” OR “COMPANY”) REGARDING THE COMPANY’S STATEMENT OF INTENT TO CHANGE ELECTRIC RATES IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE SETTLEMENT AGREEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; FINDING THE CITY’S RATE CASE EXPENSES REASONABLE; DIRECTING SPS TO REIMBURSE THE CITY ITS REASONABLE RATE CASE EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETING ACT; DECLARING AN EFFECTIVE DATE; REPEALING ANY PRIOR RESOLUTIONS OR ORDINANCES INCONSISTENT WITH THIS ORDINANCE AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND LEGAL COUNSEL

ORDINANCE O-007-13 AMENDING THE FY 2012-2013 OPERATING BUDGET

APPROVED: City Manager Eddie Edwards explained that since the beginning of the FY 2012-2013 Budget year significant developments in anticipated water capacity needs have occurred. In addition the City issued debt for capital projects that were not included in the adopted FY 2012-2013 Budget and projects slated to be finished in the FY2011-2012 Budget remain uncompleted. In order to properly account for the revenue and associated expenditures from these events, an amendment to the FY 2012-2013 Operating Budget needs to be approved by ordinance. Following discussion, motion was made by Council Member Callahan, seconded by Council Member Vinyard, to approve Ordinance O-007-13 amending the FY 2012-2013 Operating Budget. The motion carried by the following vote:

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

The caption of Ordinance O-007-13 reads as follows:

ORDINANCE O-007-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, AMENDING THE CITY’S BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013 AS ADOPTED BY ORDINANCE O-009-12; PROVIDING FOR SUPPLEMENTAL APPROPRIATIONS AND TRANSFER OF CERTAIN FUNDS; PROVIDING THAT PRIOR PARTS OF ORDINANCE O-009-12 INCONSISTENT WITH OR IN CONFLICT WITH ANY OF THE PROVISIONS OF THIS ORDINANCE ARE HEREBY EXPRESSLY REPEALED TO THE EXTENT OF ANY SUCH INCONSISTENCY OR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

SALE OF “STRUCK OFF” PROPERTIES APPROVED: City Manager Eddie Edwards stated to the Council that 108 Warner has been before the Council previously and was rejected but this bid is more reasonable; Mr. Edwards further stated that the bid for 204 N. Main is more than adequate. Following discussion, the following motions were made:

- a. Motion was made by Council Member Gillingham, seconded by Council Member Dickson, to accept a bid of \$1,700 from Joe Clement for the property located at 108 Warner (Lot 9, Block 30 Coronado Terrace).
- b. Motion was made by Council Member Gillingham, seconded by Council Member Dickson, to accept a bid of \$3,500.00 from Francisco Pina for the East 60 ft. of property located at 214 N. Main (Lots 24 & 25, Block 60, Original Townsite).

The motion carried by the following vote:

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

REMOVAL OF TRANSFER OF FUNDS FROM TABLE: During the regular meeting of May 7, 2013 Transfer of Funds was tabled. Motion was made by Council Member Vinyard, seconded by Council Member Callahan, to remove item from the table. The motion carried by the following vote:

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

MULTI-PURPOSE EVENTS CENTER FUND TRANSFER APPROVED: City Manager Eddie Edwards explained that the value of the Borger Community Designated Fund is \$147,000 and the Council is free to use the funds as they deem necessary now or in the future. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Callahan, to approve the transfer of \$90,000 for the Borger Community Designated Fund to the Multi-Purpose Events Center Fund. Motion carried by the following vote:

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

PUBLIC HEARING CONDUCTED - PRELIMINARY AND FINAL PLAT APPROVED: Code Enforcement Officer Larry Byrd explained to the Council that a request from Country Place Subdivision, a 1.837 acre tract of land located in the Northeast quarter (NE/4) of Section 23, Block “Y”, A&B Survey, City of Borger. Mayor Brain opened the public hearing. No comments were heard; therefore, Mayor Brain closed the public hearing. Following discussion, motion was made by Council Member Callahan, seconded by Council Member Vinyard, to approve the request for a preliminary and final plat for Country Place Subdivision, a 1.837 acre tract of land located in the Northeast quarter (NE/4) of Section 23, Block “Y”, A & B Survey, City of Borger, Hutchinson County, Texas, to be known as 900 Opal. The motion carried by the

following vote:

Ayes: All members present voted aye.

Nays: None.

OPERATION FACELIFT CONTRACT APPROVED: Code Enforcement Officer Larry Byrd explained to the Council that the property owner has signed an Operation Facelift Contract and paid the predetermined \$1,500 fee. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Dickson, to approve the Operation Facelift Contract between Mr. Jones and the City of Borger for the removal of structures at 910 Coble (Lots 21-22, Block 2, Original Townsite Addition). The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

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

Ayes: All members present voted aye.

Nays: None.

Mayor

ATTEST:

City Secretary