

**REGULAR MEETING OF CITY COUNCIL
AUGUST 4, 2015 - 6:30 P.M.**

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

STAFF:	Eddie Edwards	City Manager
	Stella E. Sauls	City Secretary
	Scott Radach	Director, Finance
	Bruce Roberts	Chief, Police Department
	Rhonda Miller	IT Specialist

VISITORS:	Bruce Ridling	Pastor, Missionary Baptist Church
	Tracy Poole	Jesse Shuffield
	Ray Ramsey	Tony Lowe
	Jodi McClellan	

NEWS MEDIA:

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.

Mr. Ray Ramsey addressed the Council about flooding due to poor drainage on his property located at 700 Whittenburg.

MINUTES APPROVED: Following review of the minutes of the regular meeting and work session of July 21, 2015 and work session of July 28, 2015, motion was made by Council Member Dickson, seconded by Council Member Gillingham, to approve the minutes for the regular meeting and work session of July 21, 2015, and work session of July 28, 2015 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 last half of July 2015 were submitted for the consideration of the Council. Following discussion, motion was made by Council Member Charles, seconded by Council Members Dickson, to approve payment of the expenditures of the last half of July 2015 as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

RESOLUTION R-012-15 DENYING SPS' APPLICATION TO INCREASE RATES WITHIN THE CORPORATE LIMITS OF THE CITY OF BORGER: City Manager Eddie Edwards explained that although SPS did lower their request for increase in base rates from \$64.8 million to \$42.07 million, the Alliance of Xcel Municipalities "AXM" feel that this amount is still too high. Following discussion, motion was made Council Member Felker, seconded by Council Member McClellan, to approve Resolution R-012-15 denying SPS' December 8, 2015 application to increase rates within the corporate limits of the City of Borger. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Resolution R-012-14 reads as follows:

RESOLUTION R-012-15

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS DENYING SOUTHWESTERN PUBLIC SERVICE COMPANY'S PROPOSED INCREASE IN RATES SUBMITTED IN ITS APPLICATION ON DECEMBER 8, 2014; REQUIRING REIMBURSEMENT OF REASONABLE LEGAL AND CONSULTANT EXPENSES; 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 \$64.75 million, which is an increase in base revenue of about 12.6%; 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 in this matter continued its participation in AXM; and,

WHEREAS, SPS’s rate request, which was filed on or about December 8, 2014, consists of a voluminous amount of information including SPS’ rate-filing package, pre-filed direct testimony, exhibits, schedules, and work papers; and,

WHEREAS, the City on January 6, 2015 adopted Resolution R-001-15 suspending SPS’s proposed effective date of January 12, 2015 to allow the AXM Special Counsel to review SPS’s application; and,

WHEREAS, after review of SPS’s application to increase rates, AXM’s Special Counsel and consultants retained on behalf of AXM concluded that SPS’s had not established the need for an increase in rates under current law and applicable rules and regulations; and,

WHEREAS, the City, as part of AXM, and SPS attempted to resolve SPS’s proposed increase in rates by way of settlement, but were not able to reach agreement.

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 application to increase rates, which application was submitted to the City on or about December 8, 2014, is hereby **DENIED**.

Section 3. SPS is directed to reimburse and to continue to reimburse AXM’s expenses for participation in proceedings before the AXM cities, the Public Utility Commission of Texas, and participation in appeals to the Public Utility Commission of Texas or to the courts, if any, related to SPS’s application to increase rates.

Section 4. 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 5. The meeting at which this Resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 6. This Resolution shall become effective from and after its passage.

PASSED, APPROVED, AND ADOPTED, on this the 4th day of August 2015, 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.

SALE OF ‘STRUCK OFF PROPERTY APPROVED: City Manager Eddie Edwards presented a recommendation from the Hutchinson County Tax Assessor Collector for “struck off” property to the Council. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Dickson, to accept a bid of \$4,000.00 from Ms. Maria Ocon Pulido for the property located at 1303 Clayton St. (Lot 2, Block 10, Coronado Addition). The motion carried by the following vote:

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

EXECUTIVE SESSION: Mayor Vinyard stated that in compliance with Chapter 551, Texas G Govt. Code, (Open Meetings Law), the Council would retire into executive session relative to the Texas Govt. Code, Section 551.071(2) Consultations with Attorney.

- a. Discuss and/or seek advice from attorney on pending/contemplated litigation in regards to an ongoing EPA Investigation of official records at the Wastewater Treatment Plant.

COUNCIL RETURNED TO OPEN SESSION: Following the executive session Mayor Vinyard reconvened the regular meeting.

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

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

Mayor

ATTEST:

City Secretary