

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

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

STAFF:	Eddie Edwards	City Manager
	Stella E. Sauls	City Secretary
	Danny Richards	Director, Emergency Management
	Scott Radach	Director, Finance
	Jason Pender	Fire Marshal
	Kenneth Petr	Director, Planning and Zoning
	Bruce Roberts	Chief, Police Department
	Ted B. Dodd	Director, Public works

VISITORS:	Ron Downs	Pastor, Gateway Baptist Church
	Joyce Trigg	Charles Trigg
	Taylor Packebush	Jesse Shuffield
	Vannesa Munoz	Brad Carpenter
	Devona Munoz	Efren A. Munoz
	Bianet Urizar	Bessie Downs
	Rourke Wilson	J. T. Conner
	Deane Moon	Jerry Moon
	Terra Moon	Terryn Moon
	Stephany York	Hagen Young
	Anfernee Glover	Lizet Dour

NEWS MEDIA: Sharon Castleberry

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.

Terryn Moon spoke to the Council about a scholarship project she is working on referencing “Don’t Mess with Texas” and she has taken it a step further and adopted it for our community using the slogan “Throw it in a can, not on our land, Keep Borger Clean.”

MINUTES APPROVED: Following review of the minutes of the regular meeting of December 16, 2014, motion was made by Council Member Dickson, seconded by Council Member Callahan, to approve the minutes for the regular meeting of December 16, 2014 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 December 2014 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 December 2014 as submitted. The motion carried by the following vote:

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

RESOLUTION R-001-15 SUSPENDING SPS’ PROPOSED EFFECTIVE DATE FOR 90 DAYS IN CONNECTION WITH THE RATE INCREASE APPROVED: City Manager Eddie Edwards explained to the Council that this suspension allows the City more time to make sure the rates are fair and equitable to all concerned. Following discussion, motion was made by Council Member Callahan, seconded by Council Members Gillingham and Felker, to approve Resolution R-001-15 suspending SPS’ proposed effective date of January 12, 2015 for ninety days. The motion carried by the following vote:

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

The resolution reads as follows:

RESOLUTION NO. R-001-15

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 DECEMBER 8, 2014; 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 \$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 hereby continues its participation in AXM; and,

WHEREAS, SPS’ 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, SPS proposed January 12, 2015 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 January 12, 2015 for its filing of December 8, 2014, is hereby suspended for an additional ninety (90) days, or at least until April 12, 2015.

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 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 employs 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. No 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 the City Attorney for the City of Amarillo 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. Marcus Norris, City Attorney, City of Amarillo, Texas by fax to 806-378-3018.

Section 10. 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 11. This Resolution shall become effective from and after its passage.

PASSED, APPROVED, AND ADOPTED, on this the 6th day of January 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.

RESOLUTION R-002-15 DELEGATING THE DIRECTION, COORDINATION, AND CONTROL OF ANY VOLUNTEER EMERGENCY RESPONSE ORGANIZATION OPERATION WITH THE INCORPORATED PORTIONS OF THE CITY OF BORGER

APPROVED: City Manager Eddie Edwards explained that this Resolution gives the Emergency Management Coordinator Danny Richards the legal authority over any volunteer groups operating within the city. Following discussion, motion was made by Council Member Callahan, seconded by Council Member Felker, to approve Resolution R-002-15, delegating authority to the City of Borger Emergency Management Coordinator to exercise direction, coordination, and control of any volunteer emergency response organization operating within the incorporated limits of the City of Borger. The motion carried by the following vote:

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

The resolution reads as follows:

RESOLUTION NO. R-002-15

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, DELEGATING THE DIRECTION, COORDINATION, AND CONTROL OF ANY VOLUNTEER EMERGENCY RESPONSE ORGANIZATION OPERATING WITHIN THE INCORPORATED PORTIONS OF THE CITY OF BORGER, TEXAS; 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, The City of Borger (City) experiences incidents from time to time that require the activation of volunteer emergency response organizations; and,

WHEREAS, the City is responsible for the actions performed by volunteer emergency response organizations operating within the incorporated portions of the City of Borger, Texas; and,

WHEREAS, The City maintains an Office of Emergency Management to manage and coordinate major emergency responses within the incorporated portions of the City of Borger, Texas.

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. The City Council of the City of Borger, Texas, hereby delegates authority to the City of Borger Emergency Management Coordinator to exercise direction, coordination, and control of any volunteer emergency response organization operating within the incorporated portions of the City of Borger.

Section 3. This designation includes volunteer personnel, associated response equipment, and designation of privately owned vehicles being used as an emergency response vehicle within the incorporated portions of the City of Borger, Texas.

Section 4. 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 5. This Resolution shall become effective from and after its passage.

PASSED, APPROVED, AND ADOPTED, on this the 6th day of January 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.

PUBLIC HEARING CONDUCTED – SPECIFIC USE PERMIT APPROVED: Director of Planning and Zoning Kenneth Petr, submitted a recommendation from the Planning and Zoning Commission on a request for a Specific Use Permit. Before opening the public hearing Mayor Vinyard allowed comments from Mrs. Joyce Trigg. Mrs. Trigg commented on the history of the area, the attributes available to lodgers at the Bed and Breakfast, and how this would help with tourism in our community. Mayor Vinyard opened the public hearing and asked if there were any comments; there being no comments the Mayor closed the public hearing. Motion was made by Council Member Gillingham, seconded by Council Member Dickson, to approve a request for a Specific Use Permit for a Bed and Breakfast at 301 W. Ninth St. (Lot 1, Block 15, 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 Callahan, 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:

Secretary