

**MEETING OF CITY COUNCIL  
February 2, 2021 – 6:30 PM**

<b>PRESENT:</b>	Karen Felker Milton Ooley Kim Perez Charles Loftis	Mayor Mayor Pro Tem Council Member Council Member
<b>ABSENT:</b>	Marvin Dickson	Council Member
<b>STAFF:</b>	Eddie Edwards Garrett Spradling Kathy Doyle Larry Byrd  Bruce Roberts Jason Anderson Winston P. Sauls Scott Radach	City Manager Assistant City Manager Deputy City Secretary Director, Planning & Development Chief, Police Department Director, Public Works Assistant Director, Public Works Finance Director
<b>VISITORS:</b>	Mike Doyle Glenn Hermanson	Robert Lawrence Michelle Gray
<b>MEDIA:</b>	NONE	

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was recited by all present.

**INVOCATION:** The invocation was given by Council Member Loftis.

**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 for the regular meeting of January 19th, 2021, motion was made by Council Member Perez, seconded by Council Member Loftis, to approve the minutes of the regular meeting of January 19th, 2021. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**PAYMENT OF EXPENDITURES:** The expenditures for the last half of January 2021 were submitted for the consideration of the Council. Following discussion, motion was made by Council Member Perez, seconded by Council Member Loftis, to approve payment of the expenditures for the last half of January 2021, as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**FINANCIALS RECEIVED:** The Council received the Year-to-Date Financial Statement.

**RESOLUTION R-006-21 ORDERING THE REGULAR GENERAL CITY ELECTION, THE NOTICE OF ELECTION, AND THE ORDER TO CALL A REGULAR ELECTION**

**APPROVED:** Assistant City Manager Spradling informed the Council that state law requires the regular election to be called at least 78 days prior to the uniform election date of May 1, 2021. Mr. Spradling continued that the term for City Council Place 1, currently held by Council Member Loftis, was expiring and the Council needed to approve An Order to Call a Regular City Election, the Notice of Election, and Resolution R-006-21 officially ordering the election. Following discussion, motion was made by Council Member Loftis, seconded by Mayor Pro Tem Ooley, to approve the Order to Call a Regular Election, A Notice of Election, and Resolution R-006-21 ordering a Regular City Election. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Resolution R-006-21 reads as follows:

**RESOLUTION R-006-21**  
**(Resolución R-006-21)**

**A RESOLUTION OF THE CITY OF BORGER, TEXAS,  
UNA RESOLUCIÓN DE LA CIUDAD DE BORGER, TEXAS,  
ORDERING A REGULAR CITY GENERAL ELECTION  
ORDENANDO UNA CIUDAD REGLA LAS ELECCIONES  
TO BE HELD ON THE 1<sup>ST</sup> DAY OF MAY, 2021;**

*GENERALES QUE SE CELEBRARÁN EL DÍA 1 MAYO DE 2021;*  
**DESIGNATING POLLING PLACES; DIRECTING THE**  
*LA DESIGNACIÓN DE LOS LUGARES DE VOTACION; DIRIGIR*  
**GIVING OF NOTICE TO SUCH ELECTION; AND**  
*LA NOTIFICACION A DICHA ELECCIÓN; Y PROPORCINAR*  
**PROVIDING DETAILS RELATING TO THE HOLDING OF**  
*LOS DETALLES RELATIVOS A LA CELEBRACION DE EAS*  
**SUCH ELECTION**  
*ELECCIONES*

**BE IT RESOSLVED BY THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS:**  
*SE RESUELVA POR EL AYUNTAMIENTO DE LA CIUDAD DE BORGER, TEXAS*

**Section 1:**

*Sección 1:*

It is hereby ordered that a Regular General Election be held in the City of Borger the first  
*Queda ordenó que una elección general ordinaria se celebrara en la ciudad de borger el primer*  
 Saturday is May, the 1<sup>st</sup> day of May 2021 at which election the following officers shall be  
 elected

*sabado de mayo, el día 1 de mayo de 2021, en cules elección los sigienes miembros sean legidos*  
 by the qualified voters of the City:  
*por calificados votantes de la ciudad:*

One (1) Council Member, at large, Place One (1)  
*Un (1) Miembro del Consejo, en general, en lugar de uno (1)*

**Section 2:**

*Sección 2:*

Certain county voting precincts shall be combined constituting three election voting places for  
*Algunos recintos de votación del condado serán combinadas constituyen tres lugares de*  
 the purpose of such election, and shall be as follows:  
*votación electoral a efectos de la elección de ese tipo, y serán como sigue:*

County voting precincts 33 and 42 (City Polling Place No. 1) shall vote at the Paul Belton Early  
*Recintos de votacion del condado 33 y 42 (Ciudad Polling Place No. 1) tendrán voto en el*  
 Childhood Center, 800 N. McGee.  
*centro de la niñez. Paul Belton, 800 N. McGee*

County voting precinct 11 (City Polling Place No. 2) shall vote at the Borger Middle School,  
*Recintos de votación del condado 11 (Ciudad Polling Place No. 2) deberán votar en la Escuela*  
 1200 S. Florida.  
*Media Borger, 1200 S. Florida.*

County voting precincts 14 & 23 (City Polling Place No. 3) shall vote at the Fairlanes Baptist  
*Recintos de votacin del condado 14 y 23 (Ciudad Polling Place No. 3) deberán votar en la*  
 Church, 3000 Fairlanes Boulevard.  
*Iglesia Bautita, 3000 Fairlanes Boulevard.*

The City Secretary, upon selection of judges, is hereby authorized and directed to provide a  
*El Secretio de la ciudad, a partir de la selección de los jueces, está aquí por autorizados y*  
*dirigidos*  
 copy of the Resolution of the judges as written notice of their appointment as required by Section  
*a proporciona una copia de la Resolución a los jueces como aviso escrito de su nombramiento*  
 32.009 of the Texas Election Code.  
*como reuerido por la Sección 32.009 del Código Electoral de Texas Code.*

The Judges shall have the authority to appoint no more than (10) clerks to assist in the holding  
*Los magistrados tendrán la autoridad para nombrar a no más de diez (10) oficinistas para*  
 of such election, but in no event shall the Judge appoint less than two clerks.  
*ayundar en la celebración de esas elecciones, pero en ningún caso podrá el juez designará al*  
*menos dos oficinistas.*

The Judges shall be compensated at the hourly rate of \$15, and Clerks shall be compensated at  
*Los magistrados serán compensadas a la tarifa de \$15, y los secretarios serán indemnizados a*  
 an hourly rate of \$12 as provided by Title 3, Section 32.091 (a) of the State Election Code. The  
*una tarifa de \$12 según lo dispuesto en el Título 3, Sección 32.091 (a) del Código Electoral del*  
 Judge shall be compensated in the amount of \$25 for the delivery of election equipment and  
*Estado. El juez deberá ser indemnizada en la cantidad de \$25 para la entrega de equipo y*  
 supplies as provided by Title 3, Section 32.091(a) of the State Election Code.  
*Suministros electorales conforme a lo dispuesto en el Título 3, Sección 32.091 (a) del Código*  
*Electoral del Estado.*

### Section 3.

The appointment of a Judge and deputy or clerks for early voting shall be made by the City  
*El nombramiento de un magistrado y dipuado o secretaros para la votación anticipada*  
 Secretary in accordance with Section 83.001 et seq. of the Texas Election Code. The place  
*Será hecha por el Secretario de la ciudad de Conformidad con la sección 83.001 y ss. del*  
*Código*  
 designated as:

*Electoral de Texas. El lugar designado como:*

City Hill  
 Municipalidad Ciudad  
 City of Borger  
 de Borger  
 600 North Main Street  
 600 North Main Street  
 Borger, Texas 79007

*Borger, Texas 79007*

Said judge and clerks shall keep said office open during the hours that the City Hall is regularly  
*Dice el juez y los Secretarios deberá conservar dicha oficina abierta durante las horas que el*  
 open for business, that is, from eight o'clock (8:00) a.m. until five o'clock (5:00) p.m. on each  
 day

*Ayuntamiento está regularmente abierta paraa los negocios, es decir, a partir de las ocho de la*  
 for early voting which is not a Saturday, a Sunday, or an official state holiday. As required under  
*mañana (8:00 a.m. hasta las cinco de la tarde (5:00 p.m. cada dia para el voto anticipado, que*  
 Section 85.005(d). Election Code, early voting by personal appearance at the mail early voting  
*No es un Sábado, un domingo o un feriado estatal oficial. Como se requiere bajo la sección*  
 polling place shall be conducted for at least 12 hours; in two weekdays, if the early voting period  
*85.005(d). El Código Electoral, la votación temprana por aparición personal de votación*  
 consists of six or more weekdays; therefore, early voting by personal appearance shall be  
*anticipada en el principal lugar de votación se llevará a cabo durante al menos 12 horas; en*  
 dos,

conducted for 12 hours on Monday, April 26, 2021 and Tuesday, April 27, 2021.

*dias laborables si el periodo de votación anticipada se compone de seis o más días laborables;*  
*por lo tanto, la votación temprano mediante la Comparecencia personal se llevará a cabo*  
*durante 12 horas el lunes, 26 abril 2021 y el martes 27 abril 2021.*

Said judge and clerk shall not permit anyone to vote early by personal appearance on any day  
*Dice el juez y los Secretario no Permitir a nadie a votar temprano por la apariencia personal*  
 which is not a regular working day for the clerk's office, and under no circumstances shall they  
*en cualquier día que no es un día normal de trabajo para la officina del secretario, y bajo*  
*ninguna circunstancia deberán permitir a nadie a votar temprano por la apariencia personal en*  
 permit anyone to vote early by personal appearance at any time when such office is not opened to  
*cualquier memnto en que esa oficina no está abierta al público. El lugar descrito anteriormente*  
 the public. The above-described place for early voting is also the clerks mailing address to  
 which

*para la votación anticipada es también los secretarios dirección postal a la que aplicaciones de*  
 ballot applications and ballots voted by mail may be sent. The early voting clerk, in accordance  
*papeletas Las papeletas y votado por correo puede se enviado. El oficinista de votación*  
 temprano

with the provisions of the Texas Election Code, shall maintain a roster listing each person who  
*de conformidad con las disposiciones del Código Electoral de Texas., deberá mantener una lista*  
 votes early by personal appearance and each person to whom a ballot to be voted by mail is sent.  
*enumerando cada persona que vota temprano por la apariencia personal cada persona a quien*

The roster shall be maintained in a form approved by the Secretary of State.

*una papeleta para ser votado por correo. La lista será mantenida en un Formulario aprobado*  
*por el Secretario de Estado.*

**Section 4.**

*Sección 4.*

All ballots shall be prepared in accordance with the Texas Election Code. Paper ballots shall

*Tadas las papeletas serán preparadas de conformidad con el Código Electoral de Texas. Las*  
*be used for early voting in mail and paper Ballots and Hart InterCivic eSlate Voting Stations,*  
*papeletas de votación deberán ser utilizados para la votación anticipada por corre y las*  
*Direct Recording Electronic (DRE) Voting System shall be used for early voting by personal*  
*papeletas y Hart InterCivic eSlate Votación, Registro Electronico Directo (RED) Sistema de*  
*appearance and voting on Election Day. The City Council hereby adopts for use in early and*  
*votación será utilizado para la votación anticipada por la apariencia personal y votando el Dia*  
*election Day voting the Hart InterCivic eSlate Ballot Stations, Direct Recording Electronic*  
 (DRE)

*de la elección. El Ayuntamiento adopta para su uso temprano y el dia de la elección la*  
*votación*

*Voting System as approved by the Secretary of State. All city expenditures necessary for the*  
*Hart InterCivic eSlate urnas electorales, registro electronico directo (RED) Sistema de*  
*votación*

*conduct of the election, the purchase of materials, and the employment of all election officials is*  
*aprobado por el Secretario de Estado. La ciudad de todos los gastos necesarios para la*  
*here by authorized.*

*realización de las elecciones, la compra de materiales y el empleo de todos los funcionarios*  
*electorales está aqui por el autorizado.*

#### **Section 5.**

#### *Sección 5.*

*The City Secretary is hereby authorized and directed to furnish all necessary election supplies*  
*El Secretario de la ciudad queda autorizado y dirigido a proporcionar todo el material*  
*to conduct such election.*

*Electoral necesario para llevar a cabo dicha elección.*

#### **Section 6.**

#### *Sección 6.*

*Notice of the election shall be given in accordance with the provisions of the Texas Election*  
*Anuncio de la elección se efectuará de conformidad con las disposiciones del Código Electoral*  
*code and returns of such notice shall be made as provided for in said Code. The Mayor shall*  
 issue

*de Texas y devuelve dicha notificación se efectuará conforme a lo dispuesto en dicho Código.*

*El*

*all necessary orders and writs for such election and returns of such election shall be made to the*  
*Mayor va dar todas las órdenes o mandamientos necesarios para dicha elección, y los*  
 City Secretary after the closing of the polls.

*rendimientos de dicha elección se hará a la Secretaria de la ciudad después del cierre de la*  
*urnas.*

#### **Section 7.**

#### *Sección 7.*

Said election shall be held in accordance with the Texas Election Code and Federal Voting Rights Act. Dice elecciones se celebrarán de conformidad con el Código Electoral de Texas y la Ley Federal de Act of 1965, as amended.

*Derecho de Voto de 1965 en su forma enmendada.*

**PASSED, APPROVED AND RESOLVED** this 2<sup>nd</sup> day of February 2021.

*Aprobado y resuelto el día 2<sup>nd</sup> de febrero 2021.*

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**RESOLUTION R-007-21 APPROVED:** Assistant City Manager Spradling informed the Council that Resolution R-007-21 would approve an interlocal agreement between the PRPC and the City of Borger allowing the PRPC to assist the City of Borger with a Community Development Block Grant Application to the Texas Department of Agriculture for the 2021 Downtown Revitalization Grant Program. Mr. Spradling continued that this would be the third application for the City to this program and the 2021 grant could provide up to \$350,000 towards a downtown project. PRPC would receive compensation for grant administration through grant proceeds should the grant be successful. After discussion, motion was made by Mayor Pro Tem Ooley, seconded by Council Member Perez, to approve Resolution R-007-21. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Resolution R-007-21 reads as follows:

#### **RESOLUTION R-007-21**

#### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE PANHANDLE REGIONAL PLANNING COMMISSION FOR THE SUBMISSION AND POTENTIAL ADMINISTRATION OF A TEXAS DOWNTOWN REVITALIZATION PROGRAM GRANT APPLICATION**

**WHEREAS**, the City of Borger (City) desires to apply to the Texas Department of Agriculture (TDA) for infrastructure assistance through the 2021 Downtown Revitalization Program; and,

**WHEREAS**, the Interlocal Cooperation Act included in Chapter 791 of the Texas Government Code provides for contractual agreements between governmental entities; and,

**WHEREAS**, 2 CFR 200.318(e) encourages the use of interlocal agreements from the

federal level; and,

**WHEREAS**, the Texas Department of Agriculture has issued a recommendation that communities applying under the 2020 Downtown Revitalization Program consider contracting professional services for grant application preparation and potential grant administration (if funded) prior to application submission; and,

**WHEREAS**, the City is desirous to contract the grant application preparation and if funded, potential grant administration services of its 2020 Downtown Revitalization application for Community Development Funds through an interlocal cooperation contractual agreement with the Panhandle Regional Planning Commission (PRPC); and,

**WHEREAS**, the PRPC shall provide grant application preparation services related to the 2020 Downtown Revitalization Program at no cost; and,

**WHEREAS**, administrative fees related to project management of any funded 2021 downtown revitalization project will be agreed to through an amendment to the Interlocal Agreement if City of Borger receives funding through the 2020 Downtown Revitalization Program.

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

1. The Mayor is authorized to execute the attached Interlocal Agreement Contract with the PRPC pursuant to the Interlocal Cooperation Act for grant application preparation and if funded, potential grant management services for the City's activities related to the 2021 Downtown Revitalization Program.

**PASSED, APPROVED, AND ADOPTED**, on this the 2<sup>nd</sup> day of February, 2021, 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, Texas Gov't Code, §551.001, et. seq. at which meeting a quorum was present and voting.

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**RESOLUTION R-008-21 APPROVED:** Assistant City Manager Spradling stated that prior to applying for the 2021 Downtown Revitalization Grant Program the City must select an engineering firm to provide services related to the project submitted in the grant application and the possible final design, should the grant be awarded. Mr. Spradling continued that with the help of the PRPC, a request for proposals for engineering services was created and advertised in compliance with state law. The City received several bids, which staff scored. Parkhill received the highest score and staff recommends the selection of Parkhill to provide services relating to the 2021 Texas Department of Agriculture CDBG Downtown Revitalization Grant Program. Following discussion, motion was made by Council Member Loftis, seconded by Mayor Pro Tem Ooley, to approve Resolution R-008-21 selecting Parkhill as the engineering firm to provide



services related to the City's 2021 Downtown Revitalization Grant application.

The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Resolution R-008-21 reads as follows:

**RESOLUTION R-008-21**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, SELECTING PARKHILL TO PROVIDE ENGINEERING SERVICES RELATED TO THE CITY' OF BORGER'S GRANT APPLICATION FOR THE TEXAS CAPITAL FUND DOWNTOWN REVITALIZATION PROGRAM**

**WHEREAS**, the City of Borger is applying for grant assistance under the Texas Capital Fund Downtown Revitalization Program operated by the Texas Department of Agriculture; and,

**WHEREAS**, the City of Borger has completed the Request for Proposals process required under the Professional Services Procurement Act, and has ranked those firms submitting proposals based upon qualifications and ability to perform; and,

**WHEREAS**, the City of Borger believes that Parkhill is the most qualified of those proposing firms to perform the desired services; and,

**WHEREAS** the City of Borger is desirous to use the services of Parkhill to serve as project engineer for the Downtown Revitalization Application, and, if funded, further negotiations for project engineering will occur under this agreement; and,

**WHEREAS**, the City of Borger and Parkhill will enter into a contractual agreement for engineering services for the development of a Texas Capital Fund Downtown Revitalization Application and, if funded, further negotiations for project engineering will occur under this agreement.

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

1. that the City of Borger has selected Parkhill to provide engineering services for the City's participation in the Downtown Revitalization Program and hereby authorizes the Mayor to execute any and all documents to effectuate said engineering services contract.

**PASSED, APPROVED, AND ADOPTED**, on this the 2<sup>nd</sup> day of February 2020, 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, Texas Gov't Code, §551.001, et. seq. at which meeting a quorum was present and voting.

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**RESOLUTION R-009-21 APPROVED:** City Manager Edwards explained to the Council that PUC Docket No 49831, originally filed in 2019, had been settled by Southwestern Public Service Company and the Alliance of Xcel Municipalities, which include the City of Borger. The settlement agreement allowed SPS to implement a surcharge to collect the new electric rates to the relate-back date of September 12, 2019 through the date the rates were finally approved of August 31, 2020. The surcharge will be effective from April 1, 2021 through March 31, 2022. Following discussion, motion was made by Mayor Pro Tem Ooley, seconded by Council Member Perez, to approve Resolution R-009-21 approving the surcharge related to PUC Docket No 49831. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Resolution R-009-21 reads as follows:

**RESOLUTION R-009-21**

**RESOLUTION BY THE CITY OF BORGER, TEXAS (“CITY”) APPROVING THE SURCHARGE RELATED TO DOCKET NO. 49831 SUBMITTED BY SOUTHWESTERN PUBLIC SERVICE COMPANY ON ABOUT DECEMBER 18, 2020; AUTHORIZING PARTICIPATION IN A COALITION OF SIMILARLY SITUATED CITIES KNOWN AS THE ALLIANCE OF XCEL MUNICIPALITIES; AUTHORIZING PARTICIPATION IN RELATED RATE PROCEEDINGS; REQUIRING THE REIMBURSEMENT OF MUNICIPAL RATE CASE EXPENSES; AUTHORIZING THE RETENTION OF SPECIAL COUNSEL; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; AND MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT**

**WHEREAS**, on about December 18, 2020, Southwestern Public Service Company, LLC (“SPS”) filed an application for authority to implement a surcharge in the amount of about \$71.5 million related to the rates agreed to and approved by the Public Utility Commission of Texas

("PUCT") in Docket No. 49831 (SPS's 2019 general rate case); and,

**WHEREAS**, SPS's application to approve a surcharge is in accord with the agreement the parties, including the Alliance of Xcel Municipalities ("AXM"), reached in Docket No. 46936 (SPS's 2017 "Wind-Farm Case") in which the PUCT approved SPS's request to allow it to construct and operate the Hale and Sagamore wind facilities; and,

**WHEREAS**, in the Wind-Farm Case the parties agreed that in SPS's then-next general rate case, SPS could seek to implement the rates finally approved in that general rate case such that those rates would relate back to the 35<sup>th</sup> day after it filed its general rate case; and,

**WHEREAS**, that general rate case is Docket No. 49831, SPS's 2019 GENERAL rate case, and the 35<sup>th</sup> day after filing in Docket No. 49831, is September 12, 2019; and,

**WHEREAS**, the rates the PUCT ultimately approved in Docket No. 49831 have an effective date of August 31, 2020, thus making the period over which the surcharge is calculated, the period from September 12, 2019 through August 31, 2020; and,

**WHEREAS**, SPS proposes to implement the surcharge over a one-year period from April 1, 2021 through March 31, 2022; and,

**WHEREAS**, AXM's Special Counsel and rate experts engaged on behalf of AXM have reviewed SPS's application to implement an surcharge and have confirmed that SPS correctly calculated the surcharge and that its method for implementing the surcharge is mathematically correct and consistent with AXM's prior agreement with SPS; 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's rates, operations, and services within the municipality; and,

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

**WHEREAS**, the City, in matters regarding SPS's rates, services, and operations has in the past joined with other local regulatory authorities in the Alliance of Xcel Municipalities ("AXM") of cities and hereby continues its participation in AXM; and,

**WHEREAS**, SPS simultaneously filed its application to implement a surcharge with the Public Utility Commission of Texas, and therefore the decision of the Public Utility Commission of Texas could affect SPS's proposed surcharge, and thus impact the rates charged within the City, and in order for the City's participation to be meaningful it is important that the City promptly intervene in such proceeding at the Public Utility Commission of 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 approved and incorporated herein as if fully set forth.

**Section 2.** The City **APPROVES** SPS's application filed on about December 18, 2020, to implement a net surcharge in the amount not to exceed \$71,546,546 inclusive of interest in the amount of \$1,604,142 and directs SPS to refund to ratepayers any over-recovery that may occur

above the \$71,546,546.

**Section 3.** The City authorizes intervention in proceedings related to SPS’s application before the Public Utility Commission of Texas and related proceedings in courts of law as part of the coalition of cities known as the Alliance of Xcel Municipalities.

**Section 4.** The City hereby directs SPS to reimburse the City’s rate case expenses, as part of the Alliance of Xcel Municipalities, and that it do so on a monthly basis and within 30 days after submission of the City’s invoices related to proceedings involving SPS before the City, the Public Utility Commission of Texas, or any court of law.

**Section 5.** Subject to the right to terminate employment at any time, the City retains and authorizes the law firm of Herrera Law & Associates, PLLC to act as Special Counsel with regard to rate proceedings involving SPS before the City, the Public Utility Commission of Texas, or any court of law and to retain such experts as may be reasonably necessary for review of SPS’s surcharge application subject to approval by the City.

**Section 6.** The City, through its participation in the Alliance of Xcel Municipalities, shall review the invoices of the lawyers and rate experts for reasonableness before submitting the invoices to SPS for reimbursement.

**Section 7.** A copy of this Resolution shall be sent to SPS’s local representative and to Mr. Alfred R. Herrera, Herrera Law & Associates, PLLC, 4524 Burnet Road, Austin, Texas 78756.

**Section 8.** The meeting at which this Resolution was approved was in all things conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

**Section 9.** This Resolution shall become effective from and after its passage.

**PASSED, APPROVED, AND ADOPTED,** on this the 2<sup>nd</sup> day of February, 2021, 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, Texas Gov’t Code, §551.001, et. seq. at which meeting a quorum was present and voting.

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**BID FOR CONCRETE SERVICES AWARDED:** Assistant City Manager Spradling informed the Council that the City has sought competitive bids for concrete services for the curb, gutter, sidewalk, and miscellaneous projects associated with budgeted transportation improvement projects funded through the Transportation User Fee implemented during the current budget. Mr. Spradling continued that bidding services would prevent the need to bid on individual projects, reducing staff time and increase project flexibility while still complying with competitive procurement regulations. Mr. Spradling concluded by stating that the City only received one bid from A&M Construction out of Stinnett, which the City has a previous positive experience with, and informed the Council that staff would recommend award of the bid to A&M Construction. Following discussion, motion was made by Council Member Loftis, seconded by Mayor Pro Tem Ooley, to award the bid for FY 2021 concrete services to A&M Construction. The motion carried by the following vote:

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

Bid Number:	RFB-001-21
Bid Opening Date:	1/21/2021

ITEM NO.	Est. QTY.	DESCRIPTION	UNIT PRICE	TOTAL
1	20 LF	20" Curb and Gutter	\$ 55	\$ 1,100.00
2	100 LF	18" Curb and Gutter	\$ 55	\$ 5,500.00
3	100 LF	6" Valley (Low down) Gutter	\$ 50	\$ 5,000.00
4	100 LF	3" Valley (Low down) Gutter	\$ 45	\$ 4,500.00
5	1000 SF	4' Sidewalk	\$ 10 per sq ft	\$ 10,000.00
6	1000 SF	5' Sidewalk	\$ 10 per sq ft	\$ 10,000.00
7	20	5' Wide ADA Compliant Handicapped Ramps	\$ 2,000	\$ 40,000.00
8	48 hrs	Hourly rate for removal of existing	\$ 65	\$ 3,120.00
9	48 hrs	Hourly labor rate for unforeseen conditions	\$ 65	\$ 3,120.00

All Addenda issued in respect to this project shall be considered official changes to the original bidding documents. It shall be the Bidder(s) responsibility to ensure that all Addenda have been received. Furthermore, bidders are advised that they must recognize, comply with, and attach a signed copy of each Addendum which shall be made part of their Bid Submittal. Bidder(s) signature on Addenda shall be interpreted as the vendor's "recognition and compliance to" official changes as outlined by the City of Borger and as such are made part of the original bidding documents.

Does the Company have an office located in Borger, Texas? Yes  No

Has the Company ever conducted business with the City of Borger? Yes  No

Respectfully submitted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signature: <u>MARTIN SOLORZANO</u>	Contact Name: <u>Martin Solorzano</u>
Title: <u>Owner</u>	Company: <u>AEM construction</u>
Address: <u>P.O. BOX 714 stinnett TX 79083</u>	
Phone: <u>806 886 4814</u>	Fax:
Email: <u>Martin.Solorzano24@icloud.com</u>	

**PUBLIC HEARING CONDUCTED AND SPECIFIC USE PERMIT APPROVED:**

Director of Planning and Development Larry Byrd informed the Council that Glenn Hermanson had requested a specific use permit to place a manufactured home at 416 E. 8th Street. Mr. Bryd continued that the Planning and Zoning Commission had considered the request and recommended approval. Following discussion, Mayor Felker opened a public hearing and asked if there were any comments. There being no comments, the Mayor closed the public hearing and called for a motion. Motion was made by Council Member Perez, seconded by Council Member Loftis, to approve the specific use permit to place a manufactured home at 416 E. 8th St. (Lots 1-5, Block 24, Original Townsite). The motion carried by the following vote:

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

**TEXAS COMMUNITIES GROUP PROPERTY BIDS ACCEPTED:** Assistant City Manager Spradling explained to the Council that an additional property had been sold through Texas Communities Group:

R96552 (719 McPherson) \$60.00 - Ronald Jenkins (National City, CA)

Following discussion, motion was made by Council Member Loftis, seconded by Council Member Perez, to accept the winning bid from the Texas Communities Group online bidding process for one (1) property located in the City of Borger and to authorize the Mayor to sign and execute the Tax Deed for the property on behalf of the City. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

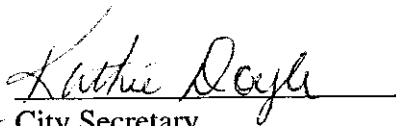
**MEETING ADJOURN:** There being no further business, motion was made by Council Member Loftis, seconded by Council Member Perez, to adjourn the meeting. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

  
 Mayor

**ATTEST:**

  
 for City Secretary