

**REGULAR MEETING OF CITY COUNCIL
JANUARY 21, 2020 –1:30 P.M.**

PRESENT:	Marvin Dickson	Mayor
	Karen Felker	Mayor Pro-Tem
	James Marrs II	Council Member
	Charles Loftis	Council Member
	Milton Ooley	Council Member

STAFF:	Eddie Edwards	City Manager
	Garrett Spradling	Assistant City Manager
	Stella E. Sauls	City Secretary
	Scott Radach	Director of Finance
	Bob Watson	Chief, Fire Department
	Byron Swafford	Director, Human Resources
	Anthony Griffin	Judge, Municipal Court
	Rebecca Kersey	Dispatcher
	Candra Phillips	Dispatcher
	Bruce Roberts	Chief, Police Department
	Brandon Sims	Lieutenant, Police Department
	Darrell Milum	Animal Control Officer
	Jason Anderson	Director, Public Works
	Winston P. Sauls	Asst. Director, Public Works

VISITORS: Jeffery Kersey

NEWS MEDIA: Jessica Ozbun

PRESENTATION FOR DISPATCHER OF THE YEAR: Municipal Court Judge Anthony Griffin announced Rebecca Kersey as the recipient of the Dispatcher of the Year award and presented her with a certificate for same.

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.

MINUTES APPROVED: Following review of the minutes of the work session and regular meeting of January 7, 2020, motion was made by Council Member Marrs, seconded by Council Member Felker, to approve the minutes of the work session and regular meeting of January 7, 2020. The motion carried by the following vote:

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

PAYMENT OF EXPENDITURES APPROVED: Following review of the expenditures for the first half of January 2020, motion was made by Council Member Marrs, seconded by Council Member Felker, to approve payment of the expenditures for the first half of January 2020. The motion carried by the following vote:

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

TEXAS COMMUNITIES GROUP PROPERTY BIDS ACCEPTED: Assistant City Manager Garrett Spradling explained to the Council that twelve (12) entity owned properties have been purchased through Texas Communities Group, they are as follows:

- a. Parcel #R12126 (1407 Turner) \$1,111.11 – Ian Larson (Fritch, TX)
- b. Parcel #R12304 (720 Delaware) \$79.99 – Richard Dale, Jr. (Denton, TX)
- c. Parcel #R12592 (818 McPherson) \$50.00 – Ashley & Bryan Williamson (Borger, TX)
- d. Parcel #R12593 (820 McPherson) \$50.00 – Ashley & Bryan Williamson (Borger, TX)
- e. Parcel #R12599 (822 McPherson) \$125.00–Ashley & Bryan Williamson (Borger, TX)
- f. Parcel #R12600 (824 McPherson) \$200.00–Ashley & Bryan Williamson (Borger, TX)
- g. Parcel #R12662 (705 Bartush) \$108.00 – Charles Crocker (Southport, NC)
- h. Parcel #R13211 (138 Arline) \$75.00 – Juana Carias (Benbrock, TX)
- i. Parcel #R14591 (809 O’Daniel) \$300.00 – Leslie Clements (Borger, TX)
- j. Parcel #R17070 (603 Madison) \$220.00 – Charles Croker (Southport, NC)
- k. Parcel #R17084 (408 W. Jackson) \$55.00 – Michael & Bobbi Chowins (Borger, TX)
- l. Parcel #R17088 (400 S. McGee) \$4,000.00 – Ricky & Carrie West (Borger, TX)

Following discussion, motion was made by Council Member Felker, seconded by Council Member Loftis, to accept all winning bids from the Texas Communities Group online bidding process for twelve (12) properties located in the City of Borger and authorize the Mayor to sign and execute the Tax Deed for each property on behalf of the City. The motion carried by the following vote:

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

RESOLUTION R-003-20 DENYING SOUTHWESTERN PUBLIC SERVICE COMPANY’S AUGUST 8, 2019 STATEMENT OF INTENT AND APPLICATION TO INCREASE BASE REVENUES: City Manager Eddie Edwards explained that this Resolution is to deny Southwestern Public Service Company’s request to increase rates. Following discussion, motion was made by Council Member Ooley, seconded by Council Member Marrs, to

adopt Resolution R-003-20 denying Southwestern Public Service Company's request to increase rates. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Resolution R-003-20 reads as follows:

RESOLUTION NO. R-003-20

A RESOLUTION BY THE CITY OF BORGER, TEXAS ("CITY") DENYING SOUTHWESTERN PUBLIC SERVICE COMPANY'S REQUEST TO INCREASE RATES IN CONNECTION WITH ITS STATEMENT OF INTENT SUBMITTED ON ABOUT AUGUST 8, 2019; DIRECTING SPS TO REIMBURSE THE CITY'S RATE CASE EXPENSES; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT

WHEREAS, on August 8, 2019, Southwestern Public Service Company ("SPS" or the "Company") filed a Statement of Intent with the City to increase its base revenues; and,

WHEREAS, SPS proposed to implement its proposed increase in rates effective on September 12, 2019; and

WHEREAS, on September 20, 2019, SPS updated its Statement of Intent to increase rates; and,

WHEREAS, the City has previously suspended implementation of SPS's proposed increase in rates and its proposed effective date by 135 days to January 25, 2020; and,

WHEREAS, SPS's proposed increase in rates as updated would, if approved, result in an increase to its base revenues of approximately \$136.5 million, which equates to an increase of approximately 24.4% in base revenue; and,

WHEREAS, SPS failed to establish that its overall revenue request resulted in an amount that will permit SPS a reasonable opportunity to earn no more than a reasonable return on the its invested capital used and useful in providing service to the public in excess of its reasonable and necessary operating expenses; and,

WHEREAS, SPS failed to establish that its proposed rates were just and reasonable; and,

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

WHEREAS, SPS may exercise its statutory right to appeal a City decision regarding SPS's request to increase rates to the Public Utility Commission of Texas ("PUC").

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

Section 1. SPS failed to show that its proposed rates are just and reasonable.

Section 2. The City hereby **DENIES** SPS's request to increase rates and finds that:

- a) The Statement of Intent fails to provide sufficient information to justify the requested increase in revenue or to justify the changes set forth in the attached tariffs.

- b) The Statement of Intent fails to provide sufficient information to justify the adoption of the rate base, expenses, investment, return on equity, and other rate issues.

Section 3. 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 4. The City Secretary or other appropriate city official shall provide a copy of this Resolution to **Mr. Alfred R. Herrera, Herrera Law & Associates, PLLC, P.O. Box 302799, Austin, Texas 78703**, and as a courtesy, provide SPS a copy of this Resolution by sending a copy of the Resolution to **William A. Grant, Regional Vice President, Regulatory and Strategic Planning, Southwestern Public Service Company, 790 S. Buchanan St., Amarillo, Texas 79101**.

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. To the extent any Resolution previously adopted by the City Council is inconsistent with this Resolution, it is hereby superseded.

Section 7. The findings set out in the preamble are in all things hereby approved.

Section 8. This Resolution shall become effective from and after its passage.

PASSED, APPROVED, AND ADOPTED, on this the 21st day of January, 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.

AWARD BID FOR A TYPE I FIRE ENGINE: Fire Chief Bob Watson explained to the Council the process used to order a new fire engine. Following discussion, motion was made by Council Member Felker, seconded by Council Member Ooley, to approve the contract with Seagraves Fire Apparatus, LLC in the amount of \$729,736.00 for the purchase of a new fire engine using HGAC cooperative purchasing agreement #FS12-19. The motion carried by the following vote:

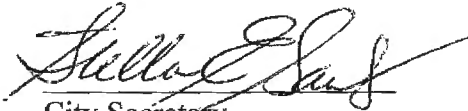
Ayes: All members present voted aye.
Nays: None.

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

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


Mayor

ATTEST:


City Secretary