



**MINUTES  
OF THE  
SPECIAL  
MEETING OF THE  
BENBROOK CITY COUNCIL  
TUESDAY, OCTOBER 21, 2008**

The regular meeting of the Benbrook City Council was held on Tuesday, October 21, 2008 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Jerry Dittrich  
Dan Tully  
Ron Sauma  
Keith Bailey  
Rickie Allison  
Mark Washburn

Also Present:

Andy Wayman, City Manager  
Donna Savage, Assistant to City Secretary  
David Ragsdale, Chief Financial Officer

Others Present:

Charlie Anderson

**I. CALL TO ORDER**

Meeting called to order at 7:30 p. m. by Mayor Dittrich.

**A. GENERAL**

**G-1813 Adopt Ordinance approving an Electric Power Contract with Cities Aggregation Power Project, Inc. for Electric Capacity and Energy**

Motion by Mr. Allison, Seconded by Mr. Sauma to Adopt Ordinance No. 1276 approving an Electric Power Contract with the Cities Aggregation Power Project, Inc. for Electric Capacity and Energy.

Vote on the Motion:

Ayes: Mr. Bailey, Mayor Dittrich, Mr. Washburn, Mr. Sauma, Mr. Allison

Noes: Mr. Tully

Motion carries 5 -1.

Ordinance No. 1276 being “**ORDINANCE OF THE CITY OF BENBROOK, TEXAS APPROVING AN ELECTRIC POWER CONTRACT WITH CITIES AGGREGATION POWER PROJECT, INC. (“CAPP”) FOR ELECTRIC CAPACITY AND ENERGY, PROVIDING CAPACITY PAYMENTS AS PUBLIC PROPERTY FINANCE CONTRACTUAL OBLIGATIONS OF THE CITY, PLEDGING AND LEVYING AN AD VALOREM TAX TO SUCH PAYMENTS, PROVIDING FOR ENERGY PAYMENTS FOR ELECTRIC ENERGY SUBJECT TO ANNUAL APPROPRIATION BY THE CITY, PROVIDING FOR THE ASSIGNMENT OF SUCH CAPACITY PAYMENTS TO SUPPORT DEBT ISSUED BY CAPP INCURRED TO ACQUIRE ELECTRIC CAPACITY RIGHTS FROM LUMINANT GENERATION COMPANY AND RELATED ENTITIES PURSUANT TO A 24-YEAR POWER PURCHASE AGREEMENT (“PPA”); AUTHORIZING THE CITY MANAGER OR OTHER APPROPRIATE CITY OFFICER OR EMPLOYEE TO EXECUTE AND DELIVER THE MEMBER CONTRACT; FURTHER AUTHORIZING THE CITY MANAGER OR OTHER APPROPRIATE CITY OFFICER OR CITY EMPLOYEE TO SIGN ADDITIONAL AGREEMENTS ARRANGED BY CAPP FOR ELECTRIC POWER NEEDED BY THE CITY IN THE PERIOD 2009-2013 IN EXCESS OF THE AMOUNT OBTAINED UNDER THE MEMBER CONTRACT; ACKNOWLEDGING, AUTHORIZING AND DIRECTING THE CITY MANAGER OR APPROPRIATE CITY OFFICER OR CITY EMPLOYEE TO SIGN AND RETURN CAPP’S DISCLOSURE LETTER; FURTHER AUTHORIZING THE CITY MANAGER OR APPROPRIATE CITY OFFICER OR OTHER CITY EMPLOYEE TO ACCEPT CONFORMING CHANGES TO THE MEMBER CONTRACT DEPENDENT ON THE FINAL TERMS OF THE CAPP PPA; PROVIDING FOR VALIDITY AND SUFFICIENCY OF CITY EMPLOYEE’S OR CITY OFFICER’S SIGNATURE IF THE OFFICER OR EMPLOYEE LEAVES OFFICE OR EMPLOYMENT PRIOR TO THE DELIVERY OF THE MEMBER CONTRACT; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT.**

**G-1818      Adopt Resolution Authorizing the Cities Aggregation Power Project, Inc, to Negotiate an Electric Supply Agreement for Deliveries of Electricity and Necessary related services**

Motion by Mr. Bailey, seconded by Mr. Allison to Adopt Resolution No 2008-08 authorizing the Cities Aggregation Power Project Inc, to negotiate an Electric Supply Agreement for Deliveries of Electricity and Necessary related services

Vote on the Motion:

Ayes: Mr. Bailey, Mayor Dittrich, Mr. Allison, Mr. Tully, Mr. Sauma, Mr. Washburn

Noes: None

Motion carries unanimously.

Resolution No. 2008-08 being " A RESOLUTION OF THE CITY OF BENBROOK, TEXAS, AUTHORIZING THE CITIES AGGREGATION POWER PROJECT, INC. (CAPP) TO NEGOTIATE AN ELECTRIC SUPPLY AGREEMENT FOR DELIVERIES OF ELECTRICITY AND NECESSARY , RELATED SERVICES EFFECTIVE JANUARY 1, 2009; AUTHORIZING CAPP TO ACT AS AN AGENT ON BEHALF OF THE CITY TO ENTER INTO A CONTRACT FOR ELECTRICITY; APPROVING CAPP CONTRACTING WITH FPL ENERGY AND DIRECT ENERGY AUTHORIZING THE CHAIRMAN OF CAPP TO EXECUTE AN ELECTRIC SUPPLY AGREEMENT FOR DELIVERIES OF ELECTRICITY EFFECTIVE JANUARY 1, 2009; COMMITTING TO COMMITMENTS TO PURCHASE POWER THROUGH CAPP FOR ITS ELECTRICAL NEEDS BEGINNING JANUARY 1, 2009 THROUGH DECEMBER 31, 2013.

**II. ADJOURNMENT**

Meeting adjourned at 7:35 p.m.

**APPROVED:**

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**Jerry B. Dittrich, Mayor**

**ATTEST:**

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**Joanna King, City Secretary**