

**REGULAR MEETING OF CITY COUNCIL  
AUGUST 1, 2006**

**1:30 P.M.**

**PRESENT:** Garrett Spradling Mayor Pro-tem  
Charles Gillingham Council Member  
Charles "Pete" Loftis Council Member  
Leon DeWeese Council Member

**ABSENT:** Jeff Brain Mayor

**STAFF:** Wanda Klause City Manager  
Tom Edmonds City Attorney  
Eddie Edwards Asst. City Manager  
Larry Mullenix Director, Planning & Zoning  
Jimmy Adams Police Chief  
Gayland Darnell Fire Chief  
Bruce Roberts Captain - Police  
Danny Richards EOC Department  
Henry Veach Director of Public Works

**VISITORS:** John Ray  
Judy Mihm

**NEWS MEDIA:** Michelle Berry Borger News Herald

**MINUTES APPROVED:** Following review of the minutes of the Regular Meeting of July 18, 2006, Council Member Gillingham moved to approve the minutes upon correctly reflecting the name of Michelle Berry as the Borger News Herald representative, the motion was seconded by Council Member Loftis, to approve the minutes as written as corrected. The motion carried by the following vote:

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

**PAYMENT OF EXPENDITURES APPROVED:** Following review, motion was made by Council Member Loftis, seconded by Council Member Gillingham, to approve payment of the expenditures for the last half of July as submitted. The motion carried by the following vote:

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

**PUBLIC HEARING CONDUCTED ON CITY'S PROPOSED FY 2006-2007 BUDGET:**  
Assistant City Manager Eddie Edwards presented a power point presentation on the 2006-2007 proposed budget explaining that the budget is balanced at \$14,911,255.00. Edwards explained several major changes in the budget format and identified necessary increases in the services

provided by the City as: (1) 3.5% increase in refuse service charges; (2) 3.5% increase in ad valorem taxes; (3) 3.5% increase in tipping fees; and (4) 3.5% salary increase for employees across-the-board.

Mayor Jeff Brain opened a public hearing on the budget and asked for comments from the audience. Several questions were asked relative to water rates, purchase of playground equipment for certain parks, and the purchase and use of certain equipment. Mayor Brain asked if there were any further comments or questions. None being heard, the Mayor closed the public hearing.

**ORDINANCE NO. O-005-06 INTRODUCED ON FIRST READING:** Ordinance No. O-005-06 concerning the 2006-2007 budget making appropriations for the support of the City, and appropriating money to a sinking fund to pay interest and principal on the city's indebtedness was submitted for the consideration of the Council. Following discussion, motion was made by Council Member Loftis, seconded by Council Member DeWeese, to introduce Ordinance No. O-005-06 on first reading. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**PUBLIC HEARING CONDUCTED ON REZONING REQUEST:** Mayor Pro-tem Spradling opened a public hearing on a request to rezone Lots 42-44, Block 9, Isom Addition from Neighborhood Service to a Commercial Zoning District, and the introduction of Ordinance No. O-007-06 to implement the zoning change. Mayor Pro-tem Spradling asked if anyone present wished to comment. No comments were heard; therefore, the public hearing was closed. Following discussion, motion was made by Council Member Loftis, seconded by Council Member DeWeese, to approve the zoning change and introduce Ordinance No. O-007-06 to implement same. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**PUBLIC HEARING CONDUCTED ON REZONING REQUEST:** Mayor Pro-tem Spradling opened a public hearing on a request to rezone Lot 13, Block 36, Fairlanes Unit 13 Addition from Estate and Agriculture to Single Family Zoning District, and the introduction of Ordinance No. O-008-06 to implement the zoning change. Mayor Pro-tem Spradling asked if anyone present wished to comment. No comments were heard; therefore, the public hearing was closed. Following discussion, motion was made by Council Member DeWeese, seconded by Council Member Loftis, to approve the zoning change and introduce Ordinance No. O-008-06 to implement same. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**PUBLIC HEARING CONDUCTED ON REZONING REQUEST:** Mayor Pro-tem Spradling opened a public hearing on a request to rezone Lots 1, Block 34, Fairlanes Unit 13

Addition from Estate and Agriculture to a Single Family Zoning District, and the introduction of Ordinance No. O-009-06 to implement the zoning change. Mayor Pro-tem Spradling asked if anyone present wished to comment. No comments were heard; therefore, the public hearing was closed. Following discussion, motion was made by Council Member Loftis, seconded by Council Member DeWeese, to approve the zoning change and introduce Ordinance No. O-009-06 to implement the same. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**RECOMMENDATIONS FROM BUILDING STANDARDS COMMISSION APPROVED:**

After proper notice and hearings, the Building Standards Commission of the City of Borger has determined and declared the building(s) located on the properties described herein as substandard and cannot reasonably be repaired and has ordered the demolition thereof as provided in the Substandard Building Ordinance.

The property in question is located at the following site:

1. 1215 Hazelwood, Lot 13, Block 5, Gateway Addition

Following discussion, motion was made by Council Member Loftis, seconded by Council Member Gillingham, to approve the recommendation submitted by the Building Standards Commission. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**APPEAL FROM DECISION OF BUILDING STANDARDS COMMISSION DENIED:**

Dana Newton, owner of property located at 1215 Hazelwood, submitted an appeal to the decision of the Building Standards Commission to demolish the structure located at 1215 Hazelwood. Following discussion, motion was made by Council Member Loftis, seconded by Council Member Gillingham, to deny the appeal and order demolition of the structure located at 1215 Hazelwood. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**RESOLUTION NO. R-011-06 APPROVED MAKING APPOINTMENT TO CANADIAN RIVER MUNICIPAL WATER AUTHORITY BOARD OF DIRECTORS:**

Kent Satterwhite, General Manager, CRMWA, submitted a letter stating that the term of Tom Edmonds, who represents Borger on the Board of Directors, expires on July 31, 2006. Following discussion, motion was made by Council Member DeWeese, seconded by Council Member Gillingham, to approve Resolution No. R-011-06 appointing Tom Edmonds to a two year term on the CRMWA Board of Directors. The motion carried by the following vote:

Ayes: All members present voted aye.  
Nays: None

The resolution reads as follows:

**RESOLUTION NO. R-008-04**

**WHEREAS**, the City Council of this City heretofore elected Tom Edmonds as a member of the Board of Directors of the Canadian River Municipal Water Authority for the term ending July 31, 2004, pursuant to the provisions of Chapter 242 of the Laws passed by the Regular Session of the Texas Legislature in 1953, as amended, and,

**WHEREAS**, such office has now become vacant by reason of expiration of term, and

**WHEREAS**, in the performance of its duty to do so under said Law, this City Council desires to officially elect a person qualified to fill the vacancy occasioned as aforesaid, therefore,

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

1. That Tom Edmonds, a qualified voter and a property owner taxpayer of the City of Borger who is not a member of the governing body or an employee of said City, be and is hereby elected to the Board of Directors of the Canadian River Municipal Water Authority for the term beginning August 1, 2006 and ending July 31, 2008.
2. The director elected as aforesaid shall be certified to the Board of Directors of the Canadian River Municipal Water Authority by the Mayor of this City and shall otherwise qualify in the manner prescribed by the above mentioned law relating to said Authority.

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**TML IEBP RE-RATE NOTICE AND BENEFIT VERIFICATION FORMS PROVIDING HEALTH CARE INSURANCE FOR CITY EMPLOYEES AND OFFERING**

**COVERAGE TO RETIREES APPROVED:** Wanda Klause, City Manager, submitted the Texas Municipal League's Intergovernmental Employees Benefit Pool Re-rate Notice and Benefit Verification Form and Retiree Re-rate Notice and Benefit Verification Form for fiscal year 2006-2007, providing health insurance coverage to city employees and offering coverage to retirees. Ms. Klause said that TML was able to offer the same plan as last year without an increase. Following discussion, motion was made by Council Member Loftis, seconded by Council Member DeWeese, to authorize execution of the documents providing health care coverage to city employees and offering coverage to retirees. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**RECOMMENDATIONS FROM HUTCHINSON COUNTY APPRAISAL DISTRICT FOR DISPOSITION OF PROPERTY APPROVED:**

Bill Swink, Chief Appraiser of the Hutchinson County Appraisal District, submitted the following recommendations to dispose of property which did not sell at a tax sale auction:

- (a) Lot 4, Block 2, Isom Addition, 312 E. Adams
- (b) Lot 18, Block 2, Johnson Heights, 105 Bunton

Following discussion, motion was made by Council Member Loftis, seconded by Council Member Gillingham, to approve the sale of the properties as recommended. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**RESOLUTION NO. R-012-06 APPROVED AUTHORIZING APPLICATION OF A GRANT FOR SURVEILLANCE CAMERAS:**

Henry Veach, Director of Public Works, submitted a request, including the adoption of Resolution No. R-012-06, for authorization to apply for a grant through the Panhandle Regional Planning Commission for surveillance cameras to combat illegal dumping. Mr. Veach advised the Council of areas within the city that individuals use to illegally dump refuse and told the Council that the city has been unable to prosecute due to insufficient evidence. Veach believes that the installation of surveillance cameras in select locations will provide the evidence needed to prosecute. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Loftis, to approve Resolution No. R-012-06 authorizing the staff to apply for the grant for surveillance cameras as requested. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

The resolution reads as follows:

**RESOLUTION NO. R-012-06**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, AUTHORIZING THE SUBMISSION OF A FY2007 REGIONAL SOLID WASTE GRANTS PROGRAM APPLICATION TO THE PANHANDLE REGIONAL PLANNING COMMISSION (PRPC) AND AUTHORIZING THE CITY MANAGER TO REPRESENT THE CITY IN ALL MATTERS PERTAINING TO THIS APPLICATION**

**WHEREAS**, the citizens of the State of Texas, either directly or indirectly, pay into a state-managed solid waste tipping fee fund which provides the Texas Commission on Environmental Quality (TCEQ) the funding to administer a variety of programs designed to afford the state a higher degree of environmental protection; and

**WHEREAS**, a portion of these TCEQ-administered tipping fee funds have been made available to the state's local governments through the regional councils of governments of Texas to provide grants for regional/local solid waste management projects; and

**WHEREAS**, the primary intent of these grant funds is that they be used to implement/enhance programs at the regional/local level which promote the management goals of the regional and state solid waste plans; and

**WHEREAS**, the City of Borger is eligible to receive these funds and desires to undertake a program which advances the solid waste management goals and objectives of the state solid waste management plan and the Panhandle Regional Solid Waste Management Plan.

**NOW, THEREFORE**, be it resolved by the City Council of the City of Borger, Texas:

- c. That the City Council has reviewed this application and has duly authorized its submission to the PRPC.
- d. That City is applying for funds to equip and implement a program to be known as the City of Borger's Local Enforcement Project - Illegal Dumping Surveillance Project.
- e. That the City Council designates the City Manager to act as it's duly authorized representative in all matters pertaining to this application.
- f. That any grant funds received will be used for their intended purpose.
- g. That as a condition of funding, the City of Borger agrees to provide the necessary certifications and assurances required by the TCEQ.

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**BID AWARDED:** The following bids were received and tabulated for the consideration of the Council.

**ITEM:** Pickup Cab and Chassis for Fire Department Grass Rig

<b><u>BIDDERS</u></b>	<b><u>BID AMOUNT</u></b>
Columbus Country Road Columbus, TX	\$ 35,770.00
Fenton Motors of Pampa Pampa, TX	\$ 35,345.00
Sykora Family Ford West, TX	\$ 35,700.00
John Chandler Ford Amarillo, TX	\$ 34,921.00

Following review of the bids, motion was made by Council Member Loftis, seconded by Council Member DeWeese, to award bid to John Chandler Ford of Amarillo for their low

bid of \$34,921.00. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**APPOINTMENT OF MUNICIPAL COURT JUDGE APPROVED:** City Manager Wanda Klause submitted a contract for the appointment of Jack Worsham as Municipal Court Judge, effective January 1, 2007, and requested confirmation of this appointment. Following discussion, motion was made by Council Member Loftis, seconded by Council Member Gillingham, approve the appointment of Jack Worsham as Municipal Court Judge. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**APPOINTMENT OF ASSOCIATE MUNICIPAL COURT JUDGE APPROVED:** City Manager Wanda Klause submitted a contract for the appointment of Robyn Dickerson as Municipal Court Judge, effective September 1, 2006, and requested confirmation of this appointment. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Loftis, to approve the appointment of Robyn Dickerson as Associate Municipal Court Judge. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**QUESTIONS AND COMMENTS FROM CITIZENS:** No questions heard.

**MEETING ADJOURNED:** There being no further business, the meeting was adjourned.

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Mayor

**ATTEST:**

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City Secretary