

**REGULAR MEETING OF CITY COUNCIL
AUGUST 15, 2006**

1:30 P.M.

PRESENT:	Jeff Brain Garrett Spradling Charles Gillingham Charles "Pete" Loftis Leon DeWeese	Mayor Mayor Pro-tem Council Member Council Member Council Member
STAFF:	Wanda Klause Tom Edmonds Eddie Edwards Larry Mullenix Bruce Roberts Jimmy Adams Glynn Carlock Jim Harder Henry Veach Danny Richards	City Manager City Attorney Assistant City Manager Director, Planning & Zoning Captain Chief of Police Director of Finance Director of Utilities Director of Public Works Emergency Operations Center
VISITORS:	Ken Smith Patrick Shinkle Steve Bloomberg Kenneth Coleman Raymond Sisneros	Southwest Securities Southwest Securities BEDC BISD
NEWS MEDIA:	Michelle Berry	Borger News Herald

MONTHLY DEPARTMENTAL REPORTS APPROVED: Following review of monthly departmental reports, motion was made by Mayor Pro-tem Spradling, seconded by Council Member Gillingham, to approve the reports as submitted. The motion carried by the following vote:

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

MINUTES APPROVED: Following review of the minutes of the Regular Meeting of August 1, 2006, motion was made by Council Member Loftis, seconded by Council Member DeWeese, to approve the minutes as written. 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 DeWeese, seconded by Council Member Loftis, to approve payment of the expenditures for the first half of August as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

ORDINANCE NO. O-005-06 APPROVED ON FINAL READING: Assistant City Manager Eddie Edwards reviewed Ordinance No. O-005-06 relative to 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. Edwards stated that the budget was balanced with revenue and expenditures equaling \$14,961,915.00. Following discussion, motion was made by Mayor Pro-tem Spradling, seconded by Council Member Gillingham, to approve Ordinance No. O-005-06 on final reading making appropriations for the support of the City's FY Budget for 2006-2007. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

The captioned ordinance reads as follows:

AN ORDINANCE MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY OF BORGER FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006 AND ENDING SEPTEMBER 30, 2007; APPROPRIATING MONEY TO A SINKING FUND TO PAY INTEREST AND PRINCIPAL ON THE CITY'S INDEBTEDNESS; AND ADOPTING THE ANNUAL BUDGET OF THE CITY OF BORGER, TEXAS FOR THE 2006-2007 FISCAL YEAR

VOTE RECORDED ON CITY'S 2006-2007 PROPOSED AD VALOREM TAX RATE AND PUBLIC HEARINGS SCHEDULED:

Assistant City Manager Eddie Edwards discussed the proposed ad valorem tax rate with the Council. Edwards said the average residence homestead appraised value for last year was \$42,843 and the average tax was \$221.82. The proposed tax rate of \$0.58039 per \$100.00 valuation will raise the average residence tax to \$253.42, which is a difference of \$31.60 in taxes. Motion was made by Council Member Loftis, seconded by Mayor Pro-tem Spradling, to approve the proposed tax rate of \$0.58039 per \$100.00 valuation. The motion carried by the following vote:

Members voting in favor of the tax increase:

Mayor Jeff Brain
Mayor Pro-tem Garrett Spradling
Council Member Charles Loftis
Council Member Charles Gillingham
Council Member Leon Deweese

Members voting no: None

Members abstaining: None

City Manager Wanda Klause advised the Council about the changes in the tax laws that require two public hearings. The staff recommended the first public hearing be scheduled for Tuesday, September 5th, and the second public hearing be scheduled for Tuesday, September 12, 2006. Following discussion, motion was made by Mayor Pro-tem Spradling, seconded by Council Member Gillingham, to approve the recommendation and schedule two public hearings on this new tax rate; one hearing to be conducted at 1:30 p.m., September 5, 2006, and the second hearing to be conducted at 1:30 p.m., September 12, 2006. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

ORDINANCE NO. O-007-06 APPROVED: Ordinance No. O-007-06 to re-zone Lots 42-44, Block 9, Isom Addition from a Neighborhood Service Zoning District to a Commercial Zoning District was submitted for final consideration of the Council. Following discussion, motion was made by Council Member Loftis, seconded by Council Member Gillingham, to approve the ordinance implementing the zoning change. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

The captioned ordinance reads as follows:

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF BORGER AS IT PERTAINS TO THE RE-ZONING OF LOTS 42-44, BLOCK 9, ISOM ADDITION FROM A NEIGHBORHOOD SERVICE ZONING DISTRICT TO A COMMERCIAL ZONING DISTRICT

ORDINANCE NO. O-008-06 APPROVED: Ordinance No. O-008-06 to re-zone Lot 13, Block 36, Fairlanes Unit 13 Addition from Estate and Agriculture to Single Family Zoning District (IF-2) was submitted for the final consideration of the Council. Following discussion, motion was made by Mayor Pro-tem Spradling, seconded by Council Member Loftis, to approve Ordinance No. O-008-06 to implement the zoning change. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

The captioned ordinance reads as follows:

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF BORGER AS IT PERTAINS TO THE RE-ZONING OF LOT 13, BLOCK 36, FAIRLANES UNIT 13 ADDITION FROM ESTATE AND

AGRICULTURE TO A SINGLE FAMILY (IF-2) DISTRICT

ORDINANCE NO. O-009-06 APPROVED: Ordinance No. O-009-06 to re-zone Lot 1, Block 34, Fairlanes Unit 13 Addition from Estate and Agriculture to a Single Family Zoning District (IF-2) was submitted for the final consideration of the Council. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member DeWeese, to approve Ordinance No. O-009-06 implementing the zoning change. The motion carried by the following vote:

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

The captioned ordinance reads as follows:

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF BORGER AS IT PERTAINS TO THE RE-ZONING OF LOT 1, BLOCK 34, FAIRLANES UNIT 13 ADDITION FROM ESTATE AND AGRICULTURE TO A SINGLE FAMILY (IF-2) DISTRICT

ORDINANCE NO. O-010-06 AUTHORIZING ISSUANCE OF CITY OF BORGER, TEXAS, TAX AND WATERWORKS AND SEWER SYSTEM REVENUE

CERTIFICATES OF OBLIGATION APPROVED: Ken Smith and Patrick Shinkle, Financial Advisors, representing Southwest Securities, Inc., were present to discuss Ordinance No. O-010-06 authorizing the issuance of City of Borger Tax and Waterworks and Sewer System Revenue Certificates of Obligation, Series 2006. Following discussion, motion was made by Council Member Loftis, seconded by Mayor Pro-tem Spradling, to approve Ordinance No. O-010-06 authorizing issuance of certificates of obligation, series 2006. The motion carried by the following vote:

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

The captioned ordinance reads as follows:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF “CITY OF BORGER, TEXAS, TAX AND WATERWORKS AND SEWER SYSTEM (LIMITED PLEDGE) REVENUE CERTIFICATES OF OBLIGATION, SERIES 2006); PROVIDING FOR THE PAYMENT OF SAID CERTIFICATES OF OBLIGATION BY THE LEVY OF AN AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY AND A LIMITED PLEDGE OF THE NET REVENUES DERIVED FROM THE OPERATION OF THE CITY’S COMBINED WATERWORKS AND SEWER SYSTEM; PROVIDING THE TERMS AND CONDITIONS OF SUCH CERTIFICATES OF OBLIGATION AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE, AND DELIVERY OF SAID

CERTIFICATES OF OBLIGATION, INCLUDING THE APPROVAL AND EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND A PURCHASE CONTRACT AND THE APPROVAL AND DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND AN OFFICIAL STATEMENT PERTAINING THERETO; AND PROVIDING AN EFFECTIVE DATE

FINAL REPORT OF 2006 AND STRATEGIC PLAN OF BEDC FOR 2006-2007

APPROVED: Steve Bloomberg, CEO, Borger Economic Development Corporation, submitted information concerning the 2005-2006 Year End Report and 2006-2007 Strategic Plan of the Borger Economic Development Corporation. Following discussion, motion was made by Council Member Spradling, seconded by Council Member Gillingham, to receive and approve the 2005-2006 Year End Report and the 2006-2007 Strategic Plan of the BEDC. The motion carried by the following vote:

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

INVITATION TO BID AUTHORIZED: City Manager Wanda Klause request authority to invite bids on a vehicle to be used in the Department of Emergency Management. Klause asked Danny Richards, head of the Department of Emergency Management, to explain the functionality of such a vehicle. Following discussion, motion was made by Council Member Loftis, seconded by Council Member DeWeese, to authorize the staff to invite bids for the purchase of a vehicle as requested. The motion carried by the following vote:

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

CITY ATTORNEY APPOINTED: City Manager Wanda Klause explained the need to separate the functions of city attorney from those of city prosecutor. Klause requested that Tom Edmonds remain as city prosecutor and the firm of Mayfield, Crutcher & Sharpee, LLP, be appointed as the city's attorney. Mayor Brain and Council Member DeWeese expressed their appreciation of Tom Edmond's service as city attorney. Following discussion, motion was made by Mayor Pro-tem Spradling, seconded by Council Member Loftis, to approve the appointment of Mayfield, Crutcher & Sharpee as city attorney. The motion carried by the following vote:

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

WATER SUPPLY AGREEMENT BETWEEN DEGUSSA ENGINEERED CARBONS, LP.

AND THE CITY OF BORGER APPROVED: Assistant City Manager Eddie Edwards explained the proposed water supply agreement which provides for the City selling water to Degussa at a set rate for a specified number of years. Following discussion, motion was made by Mayor Pro-tem Spradling, seconded by Council Member DeWeese, to approve the Water Supply Agreement as written. The motion carried by the following vote:

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

AGREEMENT BETWEEN PRPC AND THE CITY OF BORGER APPROVED: The Panhandle Regional Planning Commission submitted an agreement concerning unexpended 9-1-1 funds for fiscal year 2004 in the amount of \$73,274.66, and how recipients are to spend those funds. PRPC said that under CSEC rule 251.3 unexpended 9-1-1 funds are to be remitted to an entity operating the PSAP in the participating county with the largest population in the region. Borger meets the criteria as established under this rule. Following discussion, motion was made by Council Member Loftis, seconded by Council Member Gillingham, to approve the agreement between PRPC and the City of Borger. The motion carried by the following vote:

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

PLANNING & ZONING DEPARTMENT AUTHORIZED TO TEMPORARILY CLOSE WEST END OF WEST PLAINS STREET: Larry Mullenix, Director of Planning and Zoning, advised the Council as to the reasons that prompted his department's request to close the west end of West Plains Street (which includes a one-way bridge):

- bridge is only partially dedicated for public use and leads onto an undedicated road;
- bridge should be two-lanes with a pedestrian walkway and approved guardrails; and
- bridge decking and surface is in very poor condition.

Mullenix went on to say that the Texas Department of Transportation has placed the bridge on its bridge replacement program; however, replacement cannot begin until the entire bridge is dedicated for public use.

Following discussion, motion was made by Mayor Pro-tem Spradling, seconded by Council Member DeWeese, to close the west end of West Plains Street (including one-half of the bridge) temporarily and re-evaluate the circumstances at the end of 12 months. The motion carried by the following vote:

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

REQUEST TO BLOCK FIRST STREET BETWEEN HEDGE COKE AND COBLE APPROVED: Assistant City Manager Eddie Edwards submitted a request from the First Baptist Church to block First Street between Hedgecoke and Coble from Noon on Friday, September 29th until midnight Saturday, September 30th. Kenny Coleman, representing Borger Independent School District, said if the church could delay closing First Street until 1:00 p.m. on Friday it would help with school lunch hour traffic. Following discussion, motion was made by Mayor Pro-tem Spradling, seconded by Council Member Loftis, to approve the request to block First Street between Hedgecoke and Coble from 1:00 p.m. on Friday, September 29th until midnight Saturday, September 30th. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

SUBORDINATION OF JANET STREET RIGHT-OF-WAY IN NORTH HILLS

ADDITION APPROVED: Ray Sisneros, Hutchinson County Youth Soccer Association, asked the Council to consider subordinating the use of Janet Street right-of-way in order to make improvements to the existing soccer field in this location. Following discussion, motion was made by Council Member Loftis, seconded by Mayor Pro-tem Spradling, to approve the subordination of the Janet Street right-of-way as requested. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

RESOLUTION NO. R-013-06 APPROVED: Resolution No. R-013-06 authorizing members of the City Council to volunteer for organizations that protect the health, safety, or welfare of municipal citizens. Following discussion, motion was made by Mayor Pro-tem Spradling, seconded by Council Member Loftis, to approve the resolution. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

The resolution reads as follows:

RESOLUTION NO. R-013-06

RESOLUTION BY THE CITY OF BORGER, TEXAS AUTHORIZING MEMBERS OF THE CITY COUNCIL TO VOLUNTEER FOR ORGANIZATIONS PROTECTING THE HEALTH, SAFETY, OR WELFARE OF MUNICIPAL CITIZENS.

WHEREAS, the City of Borger, Texas is a home rule municipality as formed under the laws of the State of Texas; and

WHEREAS, Section 21.003 of the Texas Local Government Code allows members of governing bodies to volunteer for organizations protecting the health, safety, or welfare of municipal citizens; and

WHEREAS, the City of Borger does maintain organizations that protect the health, safety, and welfare of municipal citizens; and

WHEREAS, participation by volunteers in these organizations enhances the health, safety, and welfare of municipal citizens.

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

In pursuance to Section 21.003 of the Texas Local Government Code, members of the City Council of the City of Borger, Texas may volunteer for organizations protecting the health, safety, and/or welfare of municipal citizens regardless of whether the organization is funded or supported in whole or in part by the City of Borger.

PASSED AND APPROVED this 15th day of August, 2006.

/s/ Jeff Brain _____
Jeff Brain, Mayor

ATTEST:

/s/ Wanda Klause _____
Wanda Klause
City Manager/City Secretary

QUESTIONS AND COMMENTS FROM CITIZENS: No questions or comments were heard.

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

Mayor

ATTEST:

City Secretary