

**REGULAR MEETING OF CITY COUNCIL
JANUARY 2, 2007**

1:30 P.M.

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

STAFF: Wanda Klause City Manager
Eddie Edwards Asst. City Manager
Larry Mullenix Director, Planning & Zoning
Jimmy Adams Police Chief
Glynn Carlock Finance Director
Gayland Darnell Fire Chief
Bob Watson Asst. Fire Chief

VISITORS: Judy Mihm
Robert Friedman
Alan Harris

NEWS MEDIA: Michelle Berry Borger News Herald

MINUTES APPROVED: Following review of the minutes of the Regular Meeting of December 19, 2006, motion was made by Mayor Pro-tem Spradling, seconded by Council Member Loftis, 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 Gillingham, seconded by Council Member DeWeese, to approve payment of the expenditures for the last half of December 2006 as submitted. The motion carried by the following vote:

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

PUBLIC HEARING CONDUCTED - SPECIFIC USE PERMIT ISSUED: Mayor Jeff Brain opened a public hearing on a request from Lucille Carpenter for a specific use permit in order to place a mini-storage building in a General Residence Zoned District at 709 N. Deahl, Original Townsite. Mayor Brain asked if anyone wished to comment; there being no comments, the public hearing was closed. Motion was made by Mayor Pro-tem Spradling, seconded by Council Member Loftis, to authorize the issuance of a specific use permit as requested. The motion carried by the following vote:

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

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

<u>VENDOR</u>	<u>MODEL</u>	<u>TOTAL PRICE</u>
American LaFrance	2001	\$ 424,769.70
E-One	2005	\$ 499,500.00
E-One	2006	\$ 485,000.00

Assistant Fire Chief Bob Watson reviewed the bids with the Council and said that based on price, configuration and options the Borger Fire Department recommended awarding bid to American LaFrance. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Loftis, to award the bid to American LaFrance, the low bidder. The motion carried by the following vote:

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

MUNICIPAL LEASE PURCHASE APPROVED: Assistant City Manager Eddie Edwards discussed options for financing the 2001 American LaFrance Aerial Ladder Fire Truck. Following discussion, motion was made by Mayor Pro-tem Spradling, seconded by Council Member DeWeese, to enter into a Municipal Lease Purchase Agreement with Government Capital Corporation. The motion carried by the following vote:

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

RESOLUTION NO. R-001-07 APPROVED: Assistant City Manager Eddie Edwards explained Resolution No. R-001-07 which indicates the City's desire to enter into Lease Purchase Agreement No. 4465 financing the 2001 American LaFrance Aerial Ladder Fire Truck. 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-001-07

WHEREAS, contingent upon the approval of the Attorney of City of Borger (the "Lessee"), the City of Borger desires to enter into that certain Lease-Purchase Agreement No.4465 by and between City of Borger (Lessee) and Government Capital Corporation (Lessor) for the purpose

of financing "One (1) American LaFrance Quint with tools." The City of Borger desires to designate this Agreement as a "qualified tax exempt obligation" of the City of Borger for the purposes of Section 265 (b) (3) of the Internal Revenue Code of 1986, as amended.

The City of Borger desires to levy, for each year in which "Lease Payments" (as defined in the Lease-Purchase Agreement) come due, an ad-valorem tax within the limits prescribed by law that is sufficient (together with other funds lawfully available to the City of Borger and applied to the purpose) to provide timely payment of the Lease Payments payable during such year. The City of Borger desires to designate Jeff Brain, Mayor, as an authorized signer of the Agreement.

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

Section 1. That the City of Borger will enter into a Lease-Purchase Agreement with Government Capital Corporation for the purpose of financing "One (1) American LaFrance Quint with tools."

Section 2. That the Lease-Purchase Agreement dated as of January 2, 2007, by and between the City of Borger and Government Capital Corporation is designated by the City of Borger as a "qualified tax exempt obligation" for the purposes of Section 265 (b) (3) of the Internal Revenue Code of 1986, as amended.

Section 3. That for each year in which Lease Payments come due, there is hereby levied an ad valorem tax within the limits prescribed by law that is sufficient (together with other funds lawfully available to the City of Borger and applied to the purpose) to provide timely payment of the Lease Payments payable during such year.

Section 4. That the City of Borger will designate Jeff Brain, Mayor, as an authorized signer of the Lease-Purchase Agreement dated as of January 2, 2007, by and between the City of Borger and Government Capital Corporation.

PASSED AND APPROVED by the Board of the City of Borger in a meeting held on the _____ day of _____, 2007.

Lessee: City of Borger

Witness Signature

Jeff Brain, Mayor

Wanda Klause, City Manager

BIDS ON THE SALE OF CITY OWNED PROPERTY REJECTED: City staff invited bids for the sale of a 6.094 acre tract of land in Section 21, Block Y, A&B Survey. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member DeWeese, to reject all bids. The motion carried by the following vote:

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

RECOMMENDATION FROM HUTCHINSON COUNTY APPRAISAL DISTRICT FOR DISPOSITION OF PROPERTY APPROVED: Bill Swink, Chief Appraiser of the Hutchinson County Appraisal District, submitted the following recommendation to dispose of property which did not sell at a tax sale auction:

- (a) Lot 26, Block 6, Coronado Addition, 1510 Yows
- (b) Lots 13-14, Block 60, Original Townsite, 205 Weatherly

Bobby J. Lee, Sr. submitted a bid of \$2700.00 toward the purchase of property (a) and a bid of \$1700.00 toward the purchase of property (b). Mr. Swink recommended that the bids be accepted. Following discussion, motion was made by Mayor Pro-tem Spradling, seconded by Council Member Loftis, to accept the bids of \$2700.00 and \$1700.00 from Bobby J. Lee, Sr. The motion carried by the following vote:

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

APPOINTMENT OF ASSOCIATE MUNICIPAL COURT JUDGE APPROVED: Assistant City Manager Eddie Edwards submitted a contract for the appointment of Robin Dickerson, as Associate Municipal Court Judge, effective January 1, 2007, and requested confirmation of this appointment. Following discussion, motion was made by Council Member Loftis, seconded by Mayor Pro-tem Spradling, approving the appointment of Robin 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: None were heard.

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

WORK SESSION CONDUCTED: Following a brief break, the Mayor opened a work session during which time various city projects were discussed. No decisions were made and no action was taken.

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

ATTEST:

Jeff Brain, Mayor

Wanda Klause, City Manager