

**REGULAR MEETING OF CITY COUNCIL  
FEBRUARY 20, 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

**ABSENT:** None

**STAFF:** Eddie Edwards Asst. City Manager  
Larry Mullenix Director, Planning & Zoning  
Jimmy Adams Police Chief  
Gayland Darnell Fire Chief  
Glynn Carlock Director of Finance  
Henry Veach Director of Public Works  
Danny Richards EOC Coordinator  
Jim Harder Director of Utilities

**VISITORS:** Judy Mihm  
Brandy Callahan Downtown Merchants  
Norma Luginbyhl HC3  
Raymond Loftis  
Mike Stewart  
Cindy Stewart  
Mike Scales

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

**MONTHLY DEPARTMENTAL REPORTS APPROVED:** Following review of monthly departmental reports, motion was made by Council Member Loftis, 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 February 6, 2007, motion was made by Mayor Pro-tem Spradling, 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 Gillingham, seconded by Mayor Pro-tem Spradling, to approve payment of the expenditures for the first half of February as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**REQUEST FROM DOWNTOWN MERCHANT'S APPROVED:** Brandy Callahan, President, Downtown Merchant's Association, requested permission to block Main Street from Fourth to Seventh on May 5, 2007 for the Community Wide Garage Sale. Following discussion, motion was made by Council Member Loftis, seconded by Council Member Gillingham, to approve the request. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**SOLICITATION OF BIDS APPROVED:** Jim Harder, Director of Utilities, requested permission to solicit bids for the purchase of a package lift station to replace the existing lift station that serves United, Wal-Mart, and the various other businesses in that shopping center. A rebate from the CRMWA for excess pumping charges could be utilized as the funding for this unbudgeted project. Following discussion, motion was made by Mayor Pro-tem Spradling, seconded by Council Member DeWeese, to approve the request. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**PUBLIC HEARING CONDUCTED – PLAT APPROVED:** Mayor Brain opened a public hearing on a preliminary and final plat of a 5.719 acre tract of land located in the SW/4 of Section 31, Block "Y", A&B Survey. 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 approve the preliminary and final plat. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**CRMWA FUND REALLOCATION APPROVED:** Assistant City Manager, Eddie Edwards,

explained a request from Kent Satterwhite, CRMWA, asking all eleven member cities to ratify the CRMWA Board's decision to reallocate funds from the recent Series 2005 and 2006 Bond issues. Following discussion, motion was made by Mayor Pro-tem Spradling, seconded by Council Member Gillingham, to approve the request. The motion carried by the following vote:

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

**PROFESSIONAL SERVICES AGREEMENT APPROVED:** Assistant City Manager, Eddie Edwards, explained a professional services agreement with R.W. Beck to assist staff with the preparation and negotiation of the upcoming Industrial District Contracts. Following discussion, motion was made by Council Member DeWeese, seconded by Mayor Pro-tem Spradling, to approve the agreement. The motion carried by the following vote:

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

**DONATION OF BUS APPROVED:** Danny Richards, Emergency Management Coordinator, requested that the Council accept a donation of a bus from the Borger Independent School District for use as a Mobile Command Post. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member DeWeese, to accept the donation of a bus by the BISD. The motion carried by the following vote:

Ayes: Jeff Brain, Garrett Spradling, Charles Gillingham and Leon DeWeese.  
Nays: None.  
Abstain: Charles "Pete" Loftis (conflict of interest as an employee of BISD).

**WATER PLAYGROUND APPROVED:** Eddie Edwards, Assistant City Manager, submitted two Buy Board proposals for the purchase and installation of a water playground in Huber Park. Proposal one from Kraftsman Playground and Park Equipment, was for \$190,418.65 and proposal two from Child's Play Inc., was for \$114,496.60. Following discussion, motion was made by Council Member Loftis, seconded by Mayor Pro-tem Spradling, to accept the proposal from Kraftsman Playground and Equipment for \$190,418.65. The motion carried by the following vote:

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

**PUBLIC HEARING SET:** After discussion on a proposed ordinance creating Sexual Offender Safe Zones, motion was made by Mayor Pro-tem Spradling, seconded by Council Member Gillingham, to schedule a public hearing for 1:30 pm, March 6, 2007 to allow for public comment on the proposed ordinance. The motion carried by the following vote:

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

**RACIAL PROFILING REPORT ACCEPTED:** Jimmy Adams, Chief of Police, presented the 2006 Racial Profiling Report as mandated by state law. Following discussion, motion was made by Mayor Pro-tem Spradling, seconded by Council Member Loftis, to accept the 2006 Racial Profiling Report. The motion carried by the following vote:

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

**QUESTIONS AND COMMENTS FROM CITIZENS:** Brandy Callahan, President, Downtown Merchant's Association, requested that the Council once again consider angled parking and one-way streets in the central business district to add additional parking to the area.

**EXECUTIVE SESSION:** Mayor Brain stated that in compliance with Chapter 551, Govt. Code, Vernon's Texas Codes Annotated, the Council would retire into executive session relative to Section 551.072 Deliberations about Real Property as follows:

- (a) Discuss the sale of City owned property in Block 3, Northside Addition.
- (b) Discuss Victor Garcia, et al. v. City of Borger, Texas.

**COUNCIL RETURNED TO OPEN SESSION:** Following the executive session, Mayor Brain reconvened the regular meeting and stated that the Council discussed the sale of city owned property and pending litigation. No decisions were made and no action was taken.

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

**WORK SESSION CONDUCTED:** The Mayor Brain stated that the work session was open; however, no official action could be taken. Council and staff discussed emergency services radios, weather radar and other bond related projects. Mayor Brain discussed steps that need to be explored to apply for Certified Local Government Status and the appointment of a qualified review commission. No decisions were made.

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

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Mayor

**ATTEST:**

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City Manager