

**REGULAR MEETING OF CITY COUNCIL
SEPTEMBER 2, 2008 - 1:30 P.M.**

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| PRESENT: | Jeff Brain Leon DeWeese Charles Gillingham Marvin Dickson Robert Vinyard | Mayor Council Member Council Member Council Member Council Member |
| STAFF: | Eddie Edwards Larry Mullenix Danny Richards Glynn Carlock Ted B. Dodd Jimmy Adams Bruce Roberts Bob Watson Ralph Earles | Assistant City Manager Director of Planning & Zoning EOC Coordinator Director of Finance Director of Public Works Police Chief Police Captain Fire Chief Asst. to Director of Public Works |
| VISITORS: | Garrett Spradling Jim Keough Tom Castro Dan Redd Leon Roberts Grace Murphy | Ironriders Ironriders BEDC Magic Plains Industrial Park |
| NEWS MEDIA: | Michelle Berry | Borger News Herald |

QUESTIONS AND COMMENTS FROM CITIZENS: None.

MINUTES APPROVED: Following review of the minutes of the regular meeting of August 19, 2008, motion was made by Council Member Dickson, seconded by Council Member Gillingham, to approve the minutes as submitted. The motion carried by the following vote:

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

PAYMENT OF EXPENDITURES APPROVED: The expenditures for the last half of August were submitted for the consideration of the Council. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member DeWeese, to approve payment of the expenditures for the last half of August as submitted. The motion carried by the following vote:

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

PROMISSORY NOTE AND INCENTIVE AGREEMENT APPROVED: Borger Economic Development Corporation Chief Executive Officer Dan Redd presented a Promissory Note and an Incentive Agreement between F&M Enterprises and the BEDC for the Council's consideration. Council Member Dickson stated that he was aware of this project and would abstain. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member DeWeese, to approve the Promissory Note and Incentive Agreement between F&M Enterprises and the BEDC. The motion carried by the following vote:

Ayes: Brain, Gillingham, DeWeese, Vinyard.
Nays: None.
Abstained: Dickson

SUPPLEMENTAL INCENTIVE AGREEMENT APPROVED: Borger Economic Development Corporation Chief Executive Officer Dan Redd presented a Supplemental Incentive Agreement between Provenance Consulting and the BEDC for the Council's consideration. Following discussion, motion was made by Council Member DeWeese, seconded by Council Member Gillingham, to approve the Supplemental Incentive Agreement between Provenance Consulting and the BEDC. The motion carried by the following vote:

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

PUBLIC HEARING CONDUCTED, ORDINANCE O-009-08 INTRODUCED: Prior to the public hearing Assistant City Manager Eddie Edwards presented a short presentation outlining the proposed FY 2008-2009 City of Borger Operating Budget. Mayor Brain then opened a public hearing on the proposed FY 2008-2009 City of Borger Operating Budget. Mayor Brain asked if anyone wished to comment; one comment from Grace Murphy concerning the appraisal value of her property was heard. There being no other comments, Mayor Brain closed the public hearing. Following discussion, motion was made by Council Member DeWeese, seconded by Council Member Dickson, that Ordinance O-009-08, making appropriations in support of the City of Borger for the fiscal year beginning October 1, 2008 be introduced on first reading. The motion carried by the following vote:

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

PUBLIC HEARING ON AD VALOREM TAX RATE CONDUCTED: Mayor Brain opened a public hearing to allow for citizen comment on the City of Borger's proposed ad valorem tax rate of \$0.59206 per \$100 valuation for FY 2008 – 2009. Mayor Brain asked if anyone present wished to make a comment; there being no comment, Mayor

Brain closed the public hearing and stated that the City Council would be asked to vote on the tax rate during their regular meeting scheduled for 1:30 pm, September 16, 2007.

ORDINANCE O-010-08 PERTAINING TO UTILITY RATES INTRODUCED:

Assistant City Manager Eddie Edwards explained that Ordinance O-010-08 amended the City of Borger Code of Ordinances, Article 13, Utilities, as it pertains to the base water, base sewer, and refuse rates. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Gillingham, that Ordinance O-010-08, pertaining to utility rates be introduced on first reading. The motion carried by the following vote:

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

RESOLUTION R-015-08 PERTAINING TO APPOINTMENTS TO THE ZONING BOARD OF ADJUSTMENT APPROVED:

Resolution R-015-08 appointing members to the Zoning Board of Adjustment for terms expiring June 30, 2010, was submitted for the consideration of the Council. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member DeWeese, to approve Resolution R-015-08 appointing members to the Zoning Board of Adjustment for terms expiring June 30, 2010. The motion carried by the following vote:

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

Resolution R-015-08 reads as follows:

A RESOLUTION APPOINTING ONE ALTERNATE MEMBER TO REGULAR MEMBER STATUS, REAPPOINTING TWO REGULAR MEMBERS, AND APPOINTING ONE ALTERNATE MEMBER TO THE ZONING BOARD OF ADJUSTMENT

WHEREAS, one member has resigned, and two vacancies have occurred due to the expiration of terms on the Zoning Board of Adjustment; and,

WHEREAS, pursuant to the provisions of Chapter 14, Zoning, Section 14.07.001 of the Code of ordinances of the City of Borger, Texas; and,

WHEREAS, in performance of its duty to do so by said Code of Ordinances, the City Council desires to appoint one alternate member to regular member status, reappoint two regular members, and appoint one alternate member to the Zoning Board of Adjustment, to perform the duties and responsibilities as provided by Chapter 14, Zoning, Section 14.07.001 of the Code of Ordinances; therefore,

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

SECTION 1

THAT, Mike Blansett is hereby appointed to serve as a regular member of the Zoning Board of Adjustment for a two (2) year term, beginning September 1, 2008 and Expiring June 30, 2010; and

THAT, Jim Wolf is hereby reappointed to serve as a regular member of the Zoning Board of Adjustment for a two (2) year term, beginning September 1, 2008 and Expiring June 30, 2010; and

THAT, Belvin McCutchan is hereby reappointed to serve as an regular member of the Zoning Board of Adjustment for a two (2) year term, beginning September 1, 2008 and Expiring June 30, 2010; and

THAT, Charles Dean Cooke is hereby appointed to serve as an alternate member of the Zoning Board of Adjustment for a two (2) year term, beginning September 1, 2008 and Expiring June 30, 2010; and

This resolution shall be recorded in the minutes of the City Council and filed for permanent recorded in the office of the City Secretary.

PASSED, APPROVED, AND ADOPTED, on this the 2nd day of September, 2008, at a regular meeting of the City Council of the City of Borger, Texas which meeting was held in compliance with the Open Meetings Act, Tex Gov't Code, §551.001, et.seq. at which meeting a quorum was present and voting.

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VOTES CAST FOR CANDIDATES TO THE TML-IRP BOARD OF TRUSTEES:

Assistant City Manager Eddie Edwards submitted an Official Ballot for the election of Trustees to the Texas Municipal League's Intergovernmental Risk Pool Board of Trustees for the Council's consideration. Following discussion, motion was made by Council Member DeWeese, seconded by Council Member Dickson, to vote for the incumbent candidate in each Place. The motion carried by the following vote:

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

TEMPORARY STREET CLOSURE APPROVED: Jimmy Keough, President, Iron Riders Motorcycle Club, requested permission to close a portion of South Main Street on October 5, 2008 for a charitable event. Mr. Keough further stated that the closure would be from approximately 11:00 a.m. to 7:00 p.m. and encompass South Main from Tristram to Pine Streets. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member DeWeese, to approve the request. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

INDUSTRIAL DISTRICT CONTRACT APPROVED: Assistant City Manager Eddie Edwards submitted an industrial district contract between the Magic Plains Property Owners Association and the City of Borger for the consideration of the Council. Mr. Edwards advised the Council that the terms of this contract were calculated in the same manner as all existing industrial district contracts, which were re-negotiated and approved last year. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Gillingham, to approve the industrial district contract as written. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None

REZONING REQUEST RECEIVED / ORDINANCE O-012-08 INTRODUCED / PUBLIC HEARING SET: Director of Planning and Zoning Larry Mullenix presented a rezoning request from Terry Maxwell, H&H Credit Union, to rezone Lots 7-10, Block 30, Isom Addition from General Residence to Retail. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Gillingham, to receive the rezoning request, introduce Ordinance O-012-08, and set a public hearing for 1:30 pm, October 7, 2008. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None

REQUEST TO LOWER SPEED LIMIT ON LOCUST STREET DENIED: Univar employee Eugene Wallace submitted a letter to the Council requesting that the speed limit on Locust Street, south of Wilson Street, be lowered from 30 mph to 20 mph. Mr. Wallace's letter further stated, that another employee of Univar and himself were nearly hit by cars drag racing down that section of Locust Street. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Dickson, to deny the request to lower the speed limit; however, authorize city staff to install "Dead End," "No Outlet," and/or "Pedestrian Crossing" signage as needed. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

BIDS SUBMITTED FROM HUTCHINSON COUNTY APPRAISAL DISTRICT FOR THE SALE OF PROPERTY APPROVED:

Chief Appraiser of the Hutchinson County Appraisal District Diana' Hooks submitted bids on the following properties which did not sell at a tax sale auction:

- a. 816 Bartush, Lots 25 – 26, Block 2, Rock Creek Addition (\$1,000.00)
- b. 113 S. Harvey, S/1/2 Lot 11, Block 1, Isom Addition (\$600.00)
- c. 214 W. Grand, S/65' of Lots 24–27, Block 12, Isom Addition (\$1,500.00)

Following discussion, motion was made by Council Member DeWeese, seconded by Council Member Dickson, to accept all three bids as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

MEETING ADJOURNED: Motion was made by Council Member Vinyard, seconded by Council Member Dickson, to adjourn the meeting. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Mayor

ATTEST:

Stella Sauls, Deputy City Secretary