

**REGULAR MEETING OF CITY COUNCIL
SEPTEMBER 6, 2016 - 6:30 P.M.**

PRESENT:	Robert Vinyard	Mayor
	Marvin Dickson	Mayor Pro-Tem
	Odis McClellan	Council Member
	Karen Felker	Council Member
	Milton Ooley	Council Member

STAFF:	Eddie Edwards	City Manager
	Stella E. Sauls	City Secretary
	Scott Radach	Director, Finance Department
	Anthony Griffin	Judge, Municipal Court
	Bruce Roberts	Chief, Police Department
	Rhonda Miller	IT Specialist

VISITORS: Winston Sauls
Josh Regan
Dan Redd

NEWS MEDIA: April Davis

QUESTIONS AND COMMENTS FROM CITIZENS: Citizens who have indicated their desire to speak to the City Council will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter is on the agenda, City Council members are prevented from acting on the subject and may respond only with statements of factual information or existing city policy; however, City Council members may request city staff to place the subject matter on a future agenda. Citizens are limited to three (3) minutes for their presentation to the City Council.

ONE NEW BOARD MEMBER APPOINTED TO THE BORGER ECONOMIC DEVELOPMENT BOARD OF DIRECTORS: Chief Executive Officer of the Borger Economic Development Corporation Dan Redd submitted a letter to the Council requesting Mr. Josh Regan be appointed to the Borger Economic Development Board of Directors. Following discussion, motion was made by Council Member Felker, seconded by Council Member Dickson, to appoint Mr. Josh Regan to the Borger Economic Board of Directors. 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 16, 2016, motion was made by Council Member Dickson, seconded by Council Member Felker, to approve the minutes of the regular meeting of August 16, 2016. 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 2016 were submitted for the consideration of the Council. Following discussion, motion was made by Council Member Felker, seconded by Council Member Dickson, to approve payment of the expenditures of the last half of August 2016 as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

PUBLIC HEARING CONDUCTED – ORDINANCE O-008-16 INTRODUCED, MAKING APPROPRIATIONS IN SUPPORT OF THE 2016-2017 BUDGET: City Manager Eddie Edwards submitted the proposed operating budget for 2016-2017 and review the projected revenues and expenditures. Mayor Vinyard opened a public hearing on the proposed budget and asked if there were any comments. There being no comments, the Mayor closed the public hearing. Motion was made by Council Member Felker, seconded by Council Member Dickson, to introduce on first reading Ordinance O-008-16, making appropriations in support of the general operation of the City of Borger for the year beginning October 1, 2016 and ending September 30, 2017. The motion carried by the following vote:

Ayes: All members present voted aye by show of hands.

Nays: None.

The caption of Ordinance O-008-16 reads as follows:

ORDINANCE O-008-16

AN ORDINANCE MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY OF BORGER FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017; PROVIDING FOR THE APPROPRIATION OF AN INTEREST AND SINKING FUND TO PAY INTEREST AND PRINCIPAL ON THE CITY'S INDEBTEDNESS; PROVIDING FOR THE ADOPTION OF THE ANNUAL BUDGET OF THE CITY OF BORGER, TEXAS FOR THE 2016-2017 FISCAL YEAR; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET; AUTHORIZING SPECIFIC BUDGET ADJUSTMENT AUTHORITY TO THE CITY MANAGER; PROVIDING FOR THE RATIFICATION OF BUDGETED APPROPRIATION TRANSFERS IN THE 2015-2016 FISCAL YEAR; PROVIDING A REPEALING CLAUSE;

PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE

ORDINANCE O-009-16 ON CITY'S 2016-2017 PROPOSED AD VALOREM TAX RATE

INTRODUCED: City Manager Eddie Edwards submitted to the Council the proposed ad valorem tax rate of 0.863490 per \$100 valuation which is the is lower than the effective tax rate of 0.863494. Motion was made by Council Member Dickson, seconded by Council Member Felker to introduce on first reading Ordinance O-009-16 setting the City of Borger's combined ad valorem tax rate at 0.863490 per \$100 valuation. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

The caption of Ordinance O-009-16 reads as follows:

ORDINANCE O-009-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, FIXING THE AD VALOREM TAX RATE AND PROVIDING FOR THE LEVYING OF AD VALOREM TAXES FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF BORGER, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017 AT THE RATE OF \$0.863490 PER ONE HUNDRED DOLLARS (\$100.00), AND FOR DIRECTING THE ASSESSMENT THEREOF; PROVIDING FOR A DATE ON WHICH SUCH TAXES BECOME DUE AND DELINQUENT TOGETHER WITH PENALTIES AND INTEREST THEREON; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF

ORDINANCE O-010-16 AMENDING CHAPTER 13, UTILITIES INTRODUCED:

City Manager Eddie Edwards explained that Ordinance O-010-16 is to adjust the industrial well water rates only. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Felker, to introduce on first reading Ordinance O-010-16 amending Chapter 13, Utilities. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

The caption of Ordinance O-010-16 reads as follows:

ORDINANCE O-010-16

AN ORDINANCE AMENDING THE CITY OF BORGER, CODE OF ORDINANCES, CHAPTER 13, UTILITIES, SECTION 13.04.010;

PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE

ORDINANCE O-011-16 AMENDING THE CODE OF ORDINANCES, CHAPTER 4, ARTICLE 4.06, PEDDLERS AND SOLICITORS, REGULATING PEDDLERS, SOLICITORS, ITINERANT MERCHANTS, AND CANVASSERS INTRODUCED:

City Manager Eddie Edwards explained that he had spoken with the City Marshal about some aspects of the Ordinance that needed to be changed. Following discussion, motion was made by Council Member Ooley, seconded by Council Member Dickson, to introduce on first reading Ordinance 0-11-16 amending Chapter 4, Article 4.06, Peddlers & Solicitors. The motion carried by the following vote:

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

The caption of Ordinance O-011-16 reads as follows:

ORDINANCE O-011-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, AMENDING THE CITY OF BORGER CODE OF ORDINANCES, CHAPTER 4, BUSINESS REGULATIONS; ARTICLE 4.06, PEDDLERS AND SOLICITORS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

VOTE CAST FOR CANDIDATE TO SERVE ON THE TML-IEBP REGION 2 BOARD OF TRUSTEE:

City Manager Eddie asked the Council to cast their vote for him and explained that being a Trustee is beneficial to the City. Following discussion, motion was made by Council Member Ooley, seconded by Council Member Dickson, to cast the City of Borger's vote for the TML-IEBP Region 2 Trustee to Eddie Edwards. The motion carried by the following vote:

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

VOTES CAST FOR INCUMBENTS TO SERVE ON THE TML-IRP BOARD:

City Manager Eddie Edwards stated that he would like to see the incumbents with numerous years of experience remain on the TML-IRP Board. Following discussion, motion was made by Council Member Felker, seconded by Council Member McClellan and Council Member Dickson, to cast votes for the TML-IRP Board of Trustees to Mary Gauer, Place 6; C.J. Wax, Place 7; Larry Melton, Place 8; and Andres Garza, Place 9. The motion carried by the following vote:

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

SALE OF ENTITY OWNED PROPERTY APPROVED:

City Manager Eddie Edwards

presented a letter from Carrie Kimmell, Hutchinson County Tax Assessor/Collector with a bid on property located at the following location:

206 Hickory St. (Lot 21, Block 4, Philview Addition Unit 2)

Following discussion, motion was made by Council Member Dickson, seconded by Council Member Ooley, to accept a bid of \$900.00 from Aaron and Sandra Strickland for the property located at 206 Hickory St. (Lot 21, Block 4, Philview Addition Unit 2). The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

EXECUTIVE SESSION: Mayor Vinyard stated that in compliance with Chapter 551, Texas Govt. Code, (Open Meetings Law), the Council would retire into executive session relative the Texas Govt. Code, Section 551.071 Consultation with Attorney:

- a. Discuss City of Borger vs Burgess Herring Ranch.
- b. Discuss City of Borger vs T.P./Momentum Operating.
- c. Discuss Washer vs City of Borger.

COUNCIL RETURNED TO OPEN SESSION: Following the executive session, Mayor Vinyard reconvened the regular meeting and announced that the Council discussed and item relative the Texas Govt. Code, Section 551.071 Consultation with Attorney:

- a. Discussed City of Borger vs Burges Herring Ranch

Motion was made by Council Member Felker, seconded by Council Member Ooley, to authorize the City Manager to execute the Surface Use Agreement with the Burgess Herring Ranch and authorize the City's legal Counsel to dismiss the pending litigation against the Burgess Herring Ranch. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

- b. Discussed City of Borger vs T.P./Momentum Operating

Motion was made by Council Member Ooley, seconded by Council Member Dickson, to approve the Settlement agreement between T.P. Gas, West Central Texas Petroleum Partners, an affiliate of T.P. Gas, Momentum Operating and the City of Borger and authorize the City Manager to carry out the terms of the Agreement. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

- c. Discussed Washer vs City of Borger.

No Action Taken.

MEETING ADJOURNED: There being no further business, motion was made by Council Member Dickson, seconded by Council Member Felker, to adjourn. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Mayor

ATTEST:

City Secretary