

**REGULAR MEETING OF CITY COUNCIL  
SEPTEMBER 7, 2010 - 1:30 P.M.**

**PRESENT:** Jeff Brain Mayor  
Robert Vinyard Council Member  
Marvin Dickson Council Member  
Charles Gillingham Council Member

**ABSENT:** Leon DeWeese Council Member

**STAFF:** Eddie Edwards City Manager  
Stella E. Sauls City Secretary  
Danny Richards E.O.C. Director  
Bob Watson Chief, Fire Department  
Jerry Langwell Fire Marshal  
Jimmy Adams Chief, Police Department  
Bruce Roberts Captain, Police Department  
Ted Dodd Director, Public Works  
Ralph Earles Assistant Director, Public Works  
Larry Mullenix Director, Planning and Zoning  
Scott Radach Director, Finance Department

**VISITORS:** Victor Garcia Borger Christian Center  
Judy Mihm  
Warnell Murphy  
Cleo Morrison  
Rob Vinyard  
E. C. Huffine  
Janet Huffine  
Garry Hannon  
Stanley Franks

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

**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.

No comments were heard.

**MINUTES APPROVED:** Following review of the minutes of the regular meeting of August 17, 2010, 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 Dickson, 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.

**VOTE CAST FOR CANDIDATE TO SERVE ON THE TML-IEBP REGION 2 BOARD OF TRUSTEES:** City Manager Eddie Edwards explained the benefits of serving as a TML-IEBP Board Trustee and commented on the knowledge he gained by doing so. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Gillingham, to cast the city's vote for Eddie Edwards. The motion carried by the following vote:

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

**VOTES CAST FOR CANDIDATES TO SERVE ON THE TML-IRP BOARD OF TRUSTEES:** City Manager Eddie Edwards explained that the TML-IRP board operates the same as the TML-IEBP board, but TML-IRP is responsible for the City's workers' compensation, property, liability, and all other infrastructure insurance coverage. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Gillingham, to cast votes for the TML-IRP Board of Trustees to Mary Gauer, Place 6; Kevin Caddell, 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.

**CITY MANAGER AUTHORIZED TO EXECUTE AGREEMENT BETWEEN THE CITY OF PAMPA AND THE CITY OF BORGER :** City Manager Eddie Edwards discussed the agreement for solid waste disposal between the City of Pampa and the City of Borger. Beginning October 1, 2010 a price increase of \$3.00 to \$33.00 per ton, which would be guaranteed through September 30, 2012; at which time the price would increase to \$34.50 thru September 30, 2014; and ultimately increase to \$36.00 effective October 1, 2014. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Dickson, to approve the Solid Waste Disposal Agreement between the City of Pampa and the City of Borger and that City Manager Eddie Edwards be authorized to execute said Agreement on behalf of the City of Borger. The motion carried by the following vote:

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

**CITY MANAGER AUTHORIZED TO EXECUTE TEXAS PLAINS TRAIL CONTRACT AND RELATED DOCUMENTATION:**

City Manager Eddie Edwards explained the contract between the Texas Historical Commission and the City pertaining to the Regional Coordinator for the Texas Plains Trail. The contract is valid for a period of one year beginning September 1, 2010 through August 31, 2011. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Gillingham, to authorize City Manager Eddie Edwards to execute the Texas Plains Trail contract and any other related or required documentation between the City of Borger and the Texas Historical Commission. The motion carried by the following vote:

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

**AGREEMENT BETWEEN GLOBAL FRONTLINE SOLUTIONS AND THE CITY OF BORGER APPROVED:**

Fire Chief Bob Watson explained the agreement for fire suppression and/or mitigation services on a per hour contractual basis. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Dickson, to approve the Agreement between Global Frontline Solutions and the City of Borger. The motion carried by the following vote:

Ayes: Brain  
Dickson  
Gillingham  
Nays: Vinyard

**PRELIMINARY AND FINAL RE- PLAT RECEIVED – PUBLIC HEARING**

**SCHEDULED:** Director of Planning and Zoning Larry Mullenix submitted a recommendation from the Planning and Zoning Commission to re-plat Block 9, Huber Camp Section 2, containing 2.7435 acres, located in the NE/4 of Section 24, Block “Y”, A & B Survey, Hutchinson County, Texas, to be platted as the Penn Avenue Addition, and requested that the Council receive the plat and set a public hearing for same. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Gillingham, to receive the re-plat for Block 9, Huber Camp Section 2, containing 2.7435 acres located in the NE/4 of Section 24, Block “Y”, A & B Survey, Hutchinson County, Texas to be platted as the Penn Avenue Addition, and set a public hearing for September 21, 2010, to allow for public comment. The motion carried by the following vote:

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

**RECOMMENDATION FROM BUILDING STANDARDS COMMISSION RECEIVED AND PUBLIC HEARING SCHEDULED:**

After proper notice and hearings, the Building

Standards Commission of the City of Borger has determined and declared the south, middle structures located at 605 – 607 W. Wilson, (Lot E/182' of 2, Block1, Wilson Addition) as substandard and has recommended demolition of said structures. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Dickson, to receive the recommendation by the Building Standards Commission as submitted and schedule a public hearing for September 21, 2010. The motion carried by the following vote:

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

**ONE OPERATION FACELIFT CONTRACT APPROVED:** Director of Planning and Zoning Larry Mullenix explained to the Council that the property owner has signed the Operation Facelift Contract and has agreed to pay the demolition and tipping fees. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Gillingham, to approve the Operation Facelift Contract between Mr. Larry Kossey and the City of Borger for the removal of structures from 223 N. Whittenburg, (Lot 4 – 5, Block 58, Original Townsite). The motion carried by the following vote:

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

**PUBLIC HEARING CONDUCTED – ORDINANCE O-004-2010 INTRODUCED MAKING APPROPRIATIONS IN SUPPORT OF THE 2010-2011 BUDGET:** City Manager Eddie Edwards submitted the proposed budget for 2010-2011 and reviewed the anticipated revenues and expenditures. Mayor Brain opened a public hearing on the proposed budget and asked if anyone wished to speak. There being no comments, the Mayor closed the public hearing. Motion was made by Council Member Vinyard, seconded by Council Member Gillingham, introduce Ordinance O-004-10 making appropriations in support of the fiscal year beginning October 1, 2010. The motion carried by the following vote:

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

The caption of Ordinance O-004-10 reads as follows:

#### **ORDINANCE O-004-10**

**AN ORDINANCE MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY OF BORGER FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010 AND ENDING SEPTEMBER 30, 2011; 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 2010-2011 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 2009-2010 FISCAL YEAR; AMENDING CHAPTER 13, UTILITIES, SECTIONS 13.04.010, 13.05.002, AND 13.06.045; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE**

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**ORDINANCE O-005-10 INTRODUCED:** Ordinance O-005-10 setting the City of Borger's combined ad valorem tax rate at the effective rate of \$0.73585 per \$100 valuation for FY 2010-2011 was submitted for consideration. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Dickson, to introduce Ordinance O-005-10 setting the tax rate at \$0.73585 per \$100 valuation for FY 2010-2011. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

The caption of Ordinance O-005-10 reads as follows:

**ORDINANCE O-005-10**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, FIXING AND LEVYING MUNICIPAL AD VALOREM TAXES OF THE CITY OF BORGER, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010 AND ENDING SEPTEMBER 30, 2011 AT THE RATE OF \$0.73585 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**

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

Ayes: All members present voted aye.  
Nays: None

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Mayor

**ATTEST:**

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City Secretary