

**REGULAR MEETING OF CITY COUNCIL
SEPTEMBER 21, 2010 - 1:30 P.M.**

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

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

VISITORS: Jody Wilson St. Andrews Methodist Church
Ted Wilson
Judy Mihm
Gerald Jueschke
Barbara Dennis
Rob Vinyard
Garry Hannon
Brandi Hannon
John Ray
Stanley Franks
Leanne Wheless

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 September 21, 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 September were submitted for the consideration of the Council. Following discussion, motion was made by Council Member DeWeese, seconded by Council Member Dickson, to approve payment of the expenditures for the last half of September as submitted. The motion carried by the following vote:

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

ORDINANCE O-004-10 MAKING APPROPRIATIONS IN SUPPORT OF THE 2010-2011 BUDGET APPROVED: Ordinance O-004-10 making appropriations in support of the general operation of the City of Borger Budget for fiscal year beginning October 1, 2010 was submitted for final approval. Following discussion, motion was made by Council Member Dickson, seconded by Council Member DeWeese, to approve Ordinance O-004-10 making appropriations in support of the general operation of the City of Borger beginning October 1, 2010 and ending September 30, 2011 on final reading. The motion carried by the following vote:

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

The caption of the Ordinance 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

ORDINANCE O-005-10 SETTING THE CITY OF BORGER'S AD VALOREM TAX RATE APPROVED: Ordinance O-005-10 setting the tax rate at \$0.73585 per \$100 valuation for FY 2010-2011 was submitted for final consideration. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Dickson, to approve Ordinance O-005-10 setting the tax rate at \$0.73585 per \$100 valuation for FY 2010-2011 on final reading. The motion carried by the following vote:

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

The caption of the Ordinance 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

AUDITOR SELECTED: City Manager Eddie Edwards presented the proposals from RFP-001-10 for professional audit services for the Council's consideration. Proposals were received

and tabulated from the following companies:

RFP-001-10
Professional Audit Services
Analysis of Submitted Proposals

	Brown, Graham & Company	Edgin, Parkman, Fleming & Fleming PC	J.W. Anderson & Associates PC	Charles Gary Murrow PLLC
Price	\$37,000 to \$37,500	\$28,000	\$25,750	\$27,500
Meets minimum RFP requirements	Yes	Yes	Yes	Yes
Organization	Yes	Yes	Yes	Yes
Qualification	Yes	Yes	Yes	Yes
Audit Approach	Yes	Yes	Yes	Yes
Additional Accreditation	Yes	Yes	Yes	No
Computer/Software Expertise	Yes	Yes	Yes	No
Need for Initial Information	Yes	Yes	Yes	No

Comments:

Brown, Graham & Company is too high. However, the company is very qualified to meet our needs.

Edgin, Parkman, Fleming & Fleming PC gives the impression that the client must prepare a number of workpapers, or there would be additional fees based on the hours required. The company states several times that it is a progressive growing company, which could lead into delays in future audits.

J. W. Anderson & Associates is the lowest bid received. However, throughout their proposal, the expertise and qualifications are as good as the other proposals. Their preferred clients are small rural government agencies.

Charles Gary Murrow PLLC has the benefit of already knowing our organization, and to date has met the reporting requirements of the State of Texas. This gives him a step up on the other three companies. However, the initial starting of the audit as well as the submittal of the audit report and adjusting entries continues to be delayed year after year; even after contact has been made requesting the need to complete the audit.

Recommendation:

Based on all factors and information about the audit companies, J.W. Anderson & Associates would be the best choice. They cater to rural agencies and are the lowest bidder. With the delays from our current auditing company and the benefit of a new set of eyes, it is time for a change.

Following vote:

Ayes: All members present voted aye.

Nays: None.

PUBLIC HEARING CONDUCTED – PRELIMINARY AND FINAL PLAT OF BLOCK 9

HUBER CAMP SECTION 2 APPROVED: Director of Planning and Zoning Larry Mullenix explained that the plat as submitted is in compliance with the sub-division ordinance. Mayor

Brain opened the public hearing on the preliminary and final plat 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, to approve the 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. The motion carried by the following vote:

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

EXECUTIVE SESSION: Mayor Brain stated that in compliance with Chapter 551, Texas Govt. Code, Section 551.072 Real Property, the Council would retire into executive session to discuss:

- a. The acquisition/disposition of real property located in Block 9, Huber Camp and Block 2, Rickman Heights.

COUNCIL RETURNED TO OPEN SESSION: Following the executive session, Mayor Brain reconvened the regular meeting and stated that the Council would consider and take appropriate action as necessary on item 7a. Motion was made by Council Member Gillingham, seconded by Council Member Dickson, to authorize the City Manager to enter into a contract for a real property trade located in Block 9 Huber Camp and Block 2 Rickman Heights. The motion carried by the following vote:

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

MEETING ADJOURNED: There being no further business, motion was made by Council Member Gillingham, 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:

City Secretary