

**REGULAR MEETING OF CITY COUNCIL
SEPTEMBER 4, 2012 – 1:30 P.M.**

PRESENT: Jeff Brain Mayor
Brandy Callahan Council Member
Marvin Dickson Council Member
Charles Gillingham Council Member

ABSENT: Robert Vinyard Council Member

STAFF: Eddie Edwards City Manager
Danny Richards E.O.C. Director
Stella E. Sauls City Secretary
Bob Watson Chief, Fire Department
Kenneth Petr Director, Code Enforcement
Jimmy Adams Chief, Police Department
Bruce Roberts Captain, Police Department

VISITORS: Rev. John Westman Pastor, St. Andrews Methodist Church
Jesse Shuffield
E. C. Huffine
Janet Huffine
Jimmy Reed
Debi Duso
Jake Minton
Tom Johnson

NEWS MEDIA: Michelle Berry

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.

Comments were heard from Mr. Tom Johnson of 115 E. Jefferson. Mr. Johnson wanted the Council to be aware of the problems he is having with the Borger Police Department. Mr. Johnson stated that he has spoken with the Chief of Police, Jimmy Adams, and is not satisfied with the actions and attitude of the Chief.

MINUTES APPROVED: Following review of the minutes of the work session of August 14, 2012 and the regular meeting and work session of August 21, 2012, 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 Members Callahan 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.

PUBLIC HEARING CONDUCTED – ORDINANCE O-009-12 INTRODUCED MAKING APPROPRIATIONS IN SUPPORT OF THE 2012-2013 OPERATING BUDGET: City Manager Eddie Edwards submitted the proposed operating budget for FY 2012-2013 and reviewed the anticipated revenues and expenditures. Mayor Brain opened a public hearing on the proposed budget and asked if there were any questions or comments. There being no comments, the Mayor closed the public hearing. Motion was made by Council Member Dickson, seconded by Council Member Callahan, to introduce Ordinance O-009-12 making appropriations in support of the fiscal year beginning October 1, 2012. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

The caption of Ordinance O-009-12 reads as follows:

ORDINANCE O-009-12

AN ORDINANCE MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY OF BORGER FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013; 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 2012-2013 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 2011-2012 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-010-12 INTRODUCED: Ordinance O-010-12 setting the City of Borger's combined ad valorem tax rate at \$0.815490 per \$100 valuation for FY 2012-2013 was submitted for consideration. Following discussion motion was made by Council Member Callahan, seconded by Council Member Dickson, to introduce Ordinance O-010-12 setting the combined tax rate at \$0.815490 per \$100 valuation for FY 2012-2013. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

The caption of Ordinance O-010-12 reads as follows:

ORDINANCE O-010-12

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, 2012 AND ENDING SEPTEMBER 30, 2013 AT THE RATE OF \$0.815490 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

PEDDLERS AND SOLICITORS ORDINANCE DISCUSSED – NO ACTION TAKEN:

Several business owners spoke to the Council about the current Peddlers and Solicitors Ordinance and asked the Council to review the Ordinance and make some changes. Council Member Callahan presented some data that may be used as a guideline to such changes. No action taken.

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

City Manager Eddie Edwards explained that the TML-IRP board handles the City's workers' compensation, property, liability, and all other infrastructure insurance coverage. Mr. Edwards stated that it is very important to maintain the longevity of this Board. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member

Dickson, to cast votes for the TML-IRP Board of Trustees to Greg Ingham, Place 11; Larry Gilley, Place 12; Byron Black, Place 13; and Pat Norriss, Place 14. The motion carried by the following vote:

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

ORDINANCE O-007-12 AMENDING ARTICLE 4.05, OIL AND GAS WELLS

APPROVED: Director of Planning and Zoning Kenneth Petr explained to the Council that this change will strengthen our current Ordinance. Following discussion, motion was made by Council Member Callahan, seconded by Council Member Gillingham, to approve on final reading Ordinance O-007-12 amending the City of Borger Code of Ordinances. Article 4.05, Oil and Gas Wells. The motion carried by the following vote:

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

The caption of Ordinance O-007-12 reads as follows:

ORDINANCE O-007-12

AN ORDINANCE AMENDING THE CITY OF BORGER CODE OF ORDINANCES, ARTICLE 4.05, OIL AND GAS WELLS; PROVIDING A REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY; AND PROVIDING FOR AN EFFECTIVE DATE

OPERATION FACELIFT CONTRACT FOR 220 W. COOLIDGE REMOVED FROM

TABLE – NO ACTION TAKEN: Mayor Brain asked for a motion to remove the Operation Facelift from the table. Motion was made by Council Member Gillingham, seconded by Council Member Dickson, to un-table Operation Facelift for 220 W. Coolidge. The motion carried by the following vote:

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

Mr. Jake Minton explained to the Council that the Operation Facelift was submitted to remove structures from the aforementioned property to construct a parking lot. Following discussion, the Council decided to take no action at this time pending research.

OPERATION FACELIFT CONTRACT APPROVED:

Director of Planning and Zoning Kenneth Petr explained to the Council that this is a dilapidated mobile home and the owner requested and paid for it to be removed. Following discussion, motion was made by Council Member Gillingham, seconded by Council Members Callahan and Dickson, to approve the Operation Facelift Contract between Ms. Anderson and the City of Borger for the removal of

structures at 717 Brain. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

ORDINANCE AMENDING RESPONSE TIME FOR FIRE PERSONNEL APPROVED:

Fire Chief Bob Watson explained to the Council that amending this ordinance would help in recruiting, hiring and retention of fire personnel. Following discussion, motion was made by Council Member Callahan, seconded by Council Member Dickson, to approve amending the City of Borger Code of Ordinance, Chapter 9, Personnel on final reading. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

The caption of Ordinance O-008-12 reads as follows:

ORDINANCE O-008-12

AN ORDINANCE AMENDING CHAPTER 9, PERSONNEL, OF THE CODE OF ORDINANCES OF THE CITY OF BORGER, TEXAS REVISING THE RESPONSE TIME FOR FIRE AND POLICE PERSONNEL AS IT PERTAINS TO RESIDENCY REQUIREMENTS; PROVIDING A REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

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

Ayes: All members present voted aye.

Nays: None.

Mayor

ATTEST:

City Secretary