

**REGULAR MEETING OF CITY COUNCIL
AUGUST 6, 2013 – 1:30 P.M.**

PRESENT:	Jeff Brain	Mayor
	Brandy Callahan	Council Member
	Charles Gillingham	Council Member
ABSENT:	Robert Vinyard	Mayor Pro-Tem
	Marvin Dickson	Council Member
STAFF:	Eddie Edwards	City Manager
	Stella E. Sauls	City Secretary
	Bob Watson	Chief, Fire Department
	Kenneth Petr	Director, Planning & Zoning
	Jimmy Adams	Chief, Police Department
	Bruce Roberts	Captain, Police Department
	Candice Hurst	Clerk, Public Works
	Rhonda Miller	I/T Specialist
VISITORS:	Meryl Barnett	
	Pat Rendon	
	Jesse Shuffield	
	Jara Callahan	

NEWS MEDIA:

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 heard.

MINUTES APPROVED: Following review of the minutes of the regular meeting of July 16, 2013 and the work session of July 30, 2013, motion was made by Council Member Gillingham, seconded by Council Member Callahan, 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 July

2013 were submitted for the consideration of the Council. Following discussion, motion was made by Council Member Callahan, seconded by Council Member Gillingham, to approve payment of the expenditures for the last half of July 2013 as submitted. The motion carried by the following vote:

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

REQUEST FOR BANNER ACROSS MAIN STREET APPROVED: City Manager Eddie Edwards explained to the Council that Ms. Lindsay Lambeth requested permission to hang a banner over Main St. to publicize the American Cancer Society Gala: HOPE. Following discussion, motion was made by Council Member Callahan, seconded by Council Member Gillingham, to approve hanging a banner on Main Street to publicize the HOPE event. The motion carried by the following vote:

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

ORDINANCE O-009-13 AMENDING ORDINANCE O-002-08 INTRODUCED: City Manager Eddie Edwards explained that revenue from miscellaneous service charges were excluded in the previous franchise fee computation; based on the agreement of March 2012 SPS would begin to include the revenue of the miscellaneous service charges. Due to the new rates and the miscellaneous service charges Ordinance O-002-08 also needs to be modified. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Callahan, to introduce on first reading Ordinance O-009-13 amending Ordinance O-002-08. The motion carried by the following vote:

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

The caption of Ordinance O-009-13 reads as follows:

ORDINANCE O-009-13

AN ORDINANCE AMENDING ORDINANCE O-002-08, SPS FRANCHISE AGREEMENT, OF THE CODE OF ORDINANCES OF THE CITY OF BORGER, TEXAS MODIFYING SECTION 3 TO INCLUDE REVENUE FROM MISCELLANEOUS SERVICE CHARGES IN THE COMPUTATION OF FRANCHISE FEES DUE; PROVIDING THAT ALL PRIOR ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT WITH OR IN CONFLICT WITH ANY OF THE PROVISIONS OF THIS ORDINANCE ARE HEREBY EXPRESSLY REPEALED TO THE EXTENT OF ANY SUCH INCONSISTENCY OR CONFLICT; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION R-008-13 RE-APPOINTING ONE MEMBER TO THE CANADIAN RIVER MUNICIPAL WATER AUTHORITY BOARD OF DIRECTORS APPROVED:

City Manager Eddie Edwards explained that the term of Glendon Jett expired July 31, 2013. Mr. Jett has expressed his desire to serve another term. Following discussion, motion was made by Council Member Callahan, seconded by Council Member Gillingham, to approve Resolution R-008-13 re-appointing Glendon Jett to a two year term on the Canadian River Municipal Water Authority Board of Directors. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Resolution R-008-13 reads as follows:

RESOLUTION R-008-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS RE-APPOINTING ONE MEMBER TO THE BOARD OF DIRECTORS OF THE CANADIAN RIVER MUNICIPAL WATER AUTHORITY

ON THIS, the 6th day of August, 2013, the City Council of the City of Borger, Texas, met in regular session with three (3) members present, when among other business transacted, the following action was taken:

The Mayor introduced the following resolution:

WHEREAS, the City Council of this City heretofore appointed Glendon Jett as a member of the Board of Directors of the **CANADIAN RIVER MUNICIPAL WATER AUTHORITY** for the term ending July 31, 2013, pursuant to the provisions of Chapter 243 of the Laws passed by the Regular Session of the Texas Legislature in 1953, as amended; and,

WHEREAS, such office has now become vacant by reason of expiration of term; and,

WHEREAS, in the performance of its duty to do so under said Law, this City Council desires to officially appoint a person qualified to fill the vacancy occasioned as aforesaid, therefore,

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

1. That, Glendon Jett, a qualified voter and a property owning taxpayer of the City of Borger who is not a member of the governing body or an employee of said City, be and is hereby re-appointed to the Board of Directors of the **CANADIAN RIVER MUNICIPAL WATER AUTHORITY** for the term beginning August 1st, 2013 and ending July 31st, 2015.
2. That, the Director re-appointed as aforesaid shall be certified to the Board of Directors of the **CANADIAN RIVER MUNICIPAL WATER AUTHORITY** by the Mayor of this City and shall otherwise qualify in the manner prescribed by the above mentioned law relating to said Authority.

PASSED, APPROVED, AND ADOPTED, on this the 6th day of August, 2013, 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.

STAFF AUTHORIZED TO ESTABLISH ESCROW ACCOUNT FOR ALLEY PAVING

PROJECT: Director of Planning and Zoning Kenneth Petr submitted a request from Mr. Jack Klaus, 800 Weatherly Street, asking the City to establish an escrow account to receive funds in the amount of \$4,675.00 to be used for the installation of asphalt paving in the alley along (Lots 1-32, Block 11, Original Townsite Addition). Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Callahan, to authorize the staff to establish an escrow account to be used for paving the alley from Eight Street to Ninth Street between Weatherly and North Harvey Streets (Lots 1-32, Block 11, Original Townsite Addition). The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

OPERATION FACELIFT CONTRACT APPROVED: Director of Planning and Zoning Kenneth Petr explained to the Council that the property owner, Ms. Hilary Elliott, has signed an Operation Facelift Contract and paid \$100 down payment of the pre-determined charges of \$1,000.00. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Callahan, to approve the Operation Facelift Contract between Ms. Elliot and the City of Borger for the removal of structures at 817 Jackson (Lot 9, Block 47, Isom Addition). The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

OPERATION FACELIFT CONTRACT APPROVED: Director of Planning and Zoning Kenneth Petr explained to the Council that the property owner, Ms. Irene Franco, has signed and Operation Facelift Contract and paid \$250 down payment of the pre-determined charges of \$1,200.00. Following discussion, motion was made by Council Member Callahan, seconded by Council Member Gillingham, to approve the Operation Facelift Contract between Ms. Franco and the City of Borger for the removal of structures at 101 Whittenburg (Lot 9, Block 71, Original Townsite 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, (Open Meetings Law), the Council would retire into executive session relative to the Texas Govt. Code, Section 551.074 Personnel Matters:

- a. Confirm/Deny the appointment of Jason Pender to the position of Fire Marshal.

COUNCIL RETURNED TO OPEN SESSION: Following the executive session, Mayor Brain reconvened the regular meeting and announced that the Council discussed items relative to the Texas Govt. Code, Section 551.074 Personnel Matters:

- a. Confirm/Deny the appointment of Jason Pender to the position of Fire Marshal.

Motion was made by Council Member Callahan, seconded by Council Member Gillingham, to approve the confirmation of Mr. Jason Pender to the position of Fire Marshal. 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 Callahan, to adjourn the meeting. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Mayor

ATTEST:

City Secretary