

**SPECIAL MEETING OF CITY COUNCIL
SEPTEMBER 9, 2014 – 1:30 P.M.**

PRESENT:	Robert Vinyard	Mayor
	Marvin Dickson	Mayor Pro-Tem
	Brandy Callahan	Council Member
	Karen Felker	Council Member
	Charles Gillingham	Council Member

STAFF:	Eddie Edwards	City Manager
	Stella E. Sauls	City Secretary
	Kenneth Petr	Director, Planning and Zoning
	Bruce Roberts	Chief, Police Department
	Rhonda Miller	IT Specialist

VISITORS:	Eddie Pesch	Pastor, Word of Life Church
	Audrey Watson	Brett Johnson, OPG
	Odis McClellan	Roy Wieke

NEWS MEDIA: Sharon Castleberry

COMMENTS FROM CITIZEN: Mr. Odis McClellan addressed the Council about the Franchise Fees paid by businesses to the City of Borger versus the need to raise taxes. Mr. McClellan had questions about Franchise Fees and how the city recovered them.

ORDINANCE O-006-14 MAKING APPROPRIATIONS IN SUPPORT OF THE 2014-2015 BUDGET APPROVED: Ordinance O-006-14 making appropriations in support of the general operation of the City of Borger budget for the fiscal year beginning October 1, 2014 was submitted for final approval. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Gillingham, to approve Ordinance O-006-14 making appropriations in support of the general operation of the City of Borger beginning October 1, 2014 and ending September 30, 2015, on final reading. The motion carried by the following vote:

Ayes: Mayor Vinyard, Mayor Pro-Tem Dickson, Council Member's Callahan, Felker and Gillingham.

Nays: None.

The caption of Ordinance O-006-14 reads as follows:

ORDINANCE O-006-14

AN ORDINANCE MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY OF BORGER FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015; 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 2014-2015 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 2013-2014 FISCAL YEAR; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE

PUBLIC HEARING CONDUCTED – ORDINANCE O-007-14 SETTING THE CITY OF BORGER'S COMBINED AD VALOREM TAX RATE INTRODUCED: City Manager Eddie Edwards discussed the proposed ad valorem tax rate with the Council. Mr. Edwards stated that the tax rate is .17¢ higher than the current rate. Mayor Vinyard opened a public hearing on the proposed tax rate and asked if anyone wished to speak. There being no comments, the Mayor closed the public hearing and announced that the Council will vote on the proposed ad valorem tax rate on September 16, 2014 at 1:30 p.m. Following discussion, motion was made by Council Member Callahan, seconded by Council Member Dickson, to introduce on first reading Ordinance O-007-14 setting the City of Borger's combined ad valorem tax rate at 0.860000 per \$100 valuation. The motion carried by the following vote:

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

The caption of Ordinance O-007-14 reads as follows:

ORDINANCE O-007-14

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, 2014 AND ENDING SEPTEMBER 30, 2015 AT THE RATE OF \$0.860000 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-008-14 AMENDING CHAPTER 13, UTILITIES INTRODUCED: City Manager Eddie Edwards explained that Ordinance O-008-14 is to adjust utility and refuse rates. Following discussion, motion was made by Council Member Callahan, seconded by Council Member Gillingham, to introduce on first reading Ordinance O-008-14, amending Chapter 13, Utilities. The motion carried by the following vote:

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

The caption of Ordinance O-008-14 reads as follows:

ORDINANCE O-008-14

AN ORDINANCE AMENDING THE CITY OF BORGER, CODE OF ORDINANCES, 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 EFECTIVE DATE

PULIC HEARING CONDUCTED – REZONING REQUEST APPROVED: Director of Planning and Zoning Mr. Kenneth Petr submitted a request from OPG Brookside Partners, LLC, to rezone a 8.5 acre tract of land Quarter of Section 18, Block Y M & C Survey, from Estate Agriculture (EA) to General Residence (GR). Mr. Petr introduced Mr. Brett Johnson with Overland Property Group who expressed his gratitude to the Council for their support and assistance to facilitate the construction of this project.

Following discussion motion was made by Council Member Callahan, seconded by Council Member Felker, to approve the request from OPG Brookside Partners, LLC, to rezone from Estate Agriculture (EA) to General Residence (GR) an 8.5 acre tract of land in the North East Quarter of Section 18, Block Y, M & C Survey, Hutchinson County, Texas, located on E. Wilson. 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 in to executive session relative to Section 551.071 Consultation with Attorney and 551.072 Real Property:

Discuss the following:

- a. Acquisition of 0.371 acres out of Tact 5, Prairie Acres Addition, S/4 Section 34, Block “Y” A & B Survey, Hutchinson County, Texas.
- b. Contemplated litigation to initiate condemnation proceedings to acquire

Rights-of-Way for the North West Well Field Project out of Tract 5, Prairie Acres Addition, S/4, Section 34, Block "Y" A & B Survey, Hutchinson County, Texas.

COUNCIL RETURNED TO OPEN SESSION: Following executive session Mayor Vinyard reconvened the regular meeting and announced that the Council discussed items relative to the Texas Govt. Code, Section 551.071 Consultation with Attorney and 551.072 Real Property:

Discussed the following:

- a. Acquisition of 0.371 acres out of Tact 5, Prairie Acres Addition, S/4 Section 34, Block "Y" A & B Survey, Hutchinson County, Texas.

Motion was made by Council Member Callahan, seconded by Council Member Dickson, to approve the Compensation Agreement between the City of Borger and Arlie Washer for the acquisition of 0.371 acres out of Tact 5, Prairie Acres Addition, S/4 Section 34, Block "Y" A & B Survey, Hutchinson County, Texas. The motion carried by the following vote:

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

- b. Contemplated litigation to initiate condemnation proceedings to acquire Way for the North West Well Field Project out of Tract 5, Prairie Acres Addition, S/4, Section 34, Block "Y" A & B Survey, Hutchinson County, Texas.

No action taken on item (b).

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

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

Mayor

ATTEST:

City Secretary

