

**REGULAR MEETING OF CITY COUNCIL  
APRIL 1, 2014 – 6:30 P.M.**

**PRESENT:** Jeff Brain Mayor  
Robert Vinyard Mayor Pro-Tem  
Brandy Callahan Council Member  
Marvin Dickson Council Member  
Charles Gillingham Council Member

**STAFF:** Eddie Edwards City Manager  
Stella E. Sauls City Secretary  
Scott Radach Director, Finance  
Kenneth Petr Director, Planning & Zoning  
Bruce Roberts Chief, Police Department  
Anthony “Bud” Griffin Captain, Police Department

**VISITORS:** Rev. John Westman Pastor, St. Andrews Methodist Church  
Dan Redd Brad Carpenter  
Andrew Friedman Larry Anderson  
Melissa Stevens Karen Felker  
Jesse Shuffield Taylor Packebush  
Danielle Brittain

**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.

Taylor Packebush and Danielle Brittain of the Borger Youth Advisory Council asked about the Council’s standing in reference to the Electronic Cigarettes. Mayor Jeff Brain informed them that the staff has been instructed to work on an ordinance. City Manager Eddie Edwards challenged the Youth Advisory Council to work on an ordinance as well.

**MINUTES APPROVED:** Following review of the minutes of the regular meeting of March 18, 2014, motion was made by Council Member Dickson, seconded by Council Member Gillingham, to approve the minutes for the regular meeting of March 18, 2014 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 March 2014 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 last half of March 2014 as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**ANNUAL FINANCIAL REPORT RECEIVED AND APPROVED:** Mr. Larry Anderson of J. W. Anderson and Associates submitted an independent auditors report on the governmental activities, business type activities, and remaining supplemental fund information for the year ending September 2013. The report indicates that the City of Borger's financial statements are free of deficiencies and fairly represent the City of Borger's financial position as of September 30, 2013. Following discussion motion was made by Council Member Dickson, seconded by Council Members Vinyard and Callahan, to receive and approve the Annual Financial Statement and Independent Audit's Report for the year ending September 30, 2013. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**RESOLUTION R-008-14 APPROVED – APPROVING AND AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION:** City Manager Eddie Edwards introduced Mr. Andrew Friedman who explained this resolution is authorization to move forward and begin the legal steps necessary to issue debt. Following discussion motion was made by Council Member Callahan, seconded by Council Member Gillingham, to approve Resolution R-008-14 authorizing publication of notice of intention to issue certificates of obligation. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Resolution R-008-14 reads as follows:

**RESOLUTION NO R-008-14**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, APPROVING AND AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION**

**WHEREAS**, the City Council of the City of Borger, Texas, has determined that certificates of obligation should be issued under and pursuant to the provisions of Texas Local Government Code, Subchapter C of Chapter 271 (the "Act"), for the purpose of paying contractual obligations to be incurred for (i) the construction of public works, to wit: constructing, acquiring, purchasing, renovating, enlarging, equipping, and improving water and sewer system properties and facilities including the acquisition of land and rights-of-away therefore, and (ii) professional services rendered in connection therewith; and,

**WHEREAS**, prior to the issuance of such certificates, the City Council is required to publish notice of its intention to issue the same in accordance with the provisions of the Act.

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

**SECTION 1: THAT**, the City Secretary is hereby authorized and directed to cause notice to be published of the Council's intention to issue certificates of obligation in a principal amount not to exceed \$33,000,000 for the purpose of paying contractual obligations to be incurred for (i) the construction of public works, to wit: constructing, acquiring, purchasing, renovating, enlarging, equipping, and improving water and sewer system properties and facilities including the acquisition of land and rights-of-away therefore, and (ii) professional services rendered in connection therewith, and such certificates shall be payable from ad valorem taxes and a pledge of the net revenues of the City's combined Waterworks and Sewer System. The notice hereby approved and authorized to be published shall read substantially in the form and content of Exhibit A hereto attached and incorporated herein by reference as a part of this Resolution for all purposes.

**SECTION 2: THAT**, the City Secretary shall cause the aforesaid notice to be published in a newspaper of general circulation in the City, once a week for two consecutive weeks, the date of the first publication to be at least thirty-one (31) days prior to the date stated therein for the passage of the ordinance authorizing the issuance of the certificates of obligation.

**SECTION 3: THAT**, It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Texas Government Code, Chapter 551, as amended.

**SECTION 4: THAT**, This Resolution shall be in force and effect from and after its passage on the date shown below.

**PASSED, APPROVED, AND ADOPTED**, on this the 1<sup>st</sup> day of April, 2014, 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.

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**ORDINANCE O-002-14 AMENDING CHAPATER 13, CRITERIA FOR INITIATION AND TERMINATION OF DROUGHT RESPONSE AGREEMENT APPROVED:** City Manager Eddie Edwards stated that this is the final reading of Ordinance O-002-14. Following discussion motion was made by Council Member Vinyard, seconded by Council Member Dickson to approve Ordinance O-002-14 amending the City of Borger's Drought Contingency Plan. The motion carried by the following vote:

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

Caption for Ordinance O-002-14 read as follows:

**ORDINANCE O-002-14**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, PROVIDING FOR INCORPORATION; AMENDING CHAPTER 13, UTILITIES, ARTICLE 13.02, SECTION 13.02.038, CRITERIA FOR INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE**

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**ORDINANCE O-003-14 ADOPTING THE 2012 EDITION OF ICC CODES WITH AMENDMENTS, AND UPDATING THE FLOOD INSURANCE RATE MA TO THE CURRENT REVISION DATE ADOPTED:**

Director of Planning and Zoning Kenneth Petr stated that this will bring all building codes and property maintenance codes up to the 2012 code revisions. Mr. Petr explained that the Building Standards Commission approved the revisions and all the contractors have been notified. Following discussion motion was made by Council Member Callahan, seconded by Council Member Dickson, to adopt the 2012 Edition of ICC Codes, with amendments, and updating the Flood Insurance Rate map to the current revision date. The motion carried by the following vote:

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

Caption for Ordinance O-003-14 reads as follows:

**ORDINANCE O-003-14**

**AN ORDINANCE AMENDING THE CITY OF BORGER CODE OF ORDINANCES, ARTICLE 3.02, BUILDING CODE; 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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**PUBLIC HEARING CONDUCTED – SPECIFIC USE PERMIT APPROVED:**

Director of Planning and Zoning Kenneth Petr explained to the Council that the Planning and Zoning Commission held a public hearing on Monday, February 24, 2014 and voted 4 to 1 to approve the Specific Use request to place a manufactured home at 809 O’Daniel (Lot 5, block 1, Highland Park Addition).

Mayor Brain opened the public hearing on the Specific Use request for 809 O’Daniel (Lot 5, block 1, Highland Park Addition). There being no comments the Mayor closed the public hearing. Following discussion, motion was made to approve the Specific Use request to place a manufactured home at 809 O’Daniel Street (Lot 5, block 1, Highland Park Addition). The motion

carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**BOARD MEMBER APPOINTED TO FILL UNEXPIRED TERM ON THE BORGER ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS:**

Borger Economic Development Corporation Chief Executive Officer Dan Redd submitted a letter to the Council requesting the appointment of Tina Taylor to fill the unexpired term of Jud Price after receiving his resignation. Following discussion motion was made by Council Member Gillingham, seconded by Council Member Vinyard, to approve the appointment of Tina Taylor to fill the unexpired term of Jud Price on the Borger Economic Development Corporation Board of Directors. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**ELECTION JUDGES AND ALTERNATES APPOINTED:**

City Secretary Stella E. Sauls requested the Council appoint judges and alternates for the upcoming May election. Following discussion motion was made by Council Member Callahan, seconded by Council Member Vinyard, to appoint election judges and alternates as follows:

Early Voting Ballot Board	Terry Miller	Judge
Precinct 11	Joan Carder	Judge
	Betty Barnett	Alternate
Precinct 14 & 23	Courtney Marrs	Judge
	Margaret Kline	Alternate
Precinct 33 & 42	Bertha Walker	Judge
	Polly Gillingham	Alternate

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 Section 551.074 Personnel Matters and Section 551.072 Real Property.

- a. Discuss City Manager's annual performance evaluation.
- b. Discuss purchase of Rights-of-Way for the Northwest Well Field Project:
  1. Darden property
  2. Fairlanes Baptist Church property
  3. Borger Fountainhead property
  4. William Yake property
  5. Alice Yake property

6. Margie Lewis property
7. Kevin Audrain property
8. Borger Country Club property & Water Supply Agreement

**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. Discussed City Manager's Annual performance evaluation.

No action taken

551.072 Real Property:

- b. Discussed purchase of Rights-of-Way for the Northwest Well Field Project:
  1. Darden property
  2. Fairlanes Baptist Church property
  3. Borger Fountainhead property
  4. William Yake property
  5. Alice Yake property
  6. Margie Lewis property
  7. Kevin Audrain property

Following discussion motion was made by Council Member Callahan, seconded by Council Member Dickson, to approve the execution of the easements for the Rights-of-Way for the Northwest Well Expansion Project. The motion carried by the following vote:

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

8. Borger Country Club property & Water Supply Agreement

No action taken.

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