

**REGULAR MEETING OF CITY COUNCIL  
MARCH 18, 2014 – 1:30 P.M.**

<b>PRESENT:</b>	Jeff Brain	Mayor
	Robert Vinyard	Mayor Pro-Tem
	Marvin Dickson	Council Member
	Charles Gillingham	Council Member

<b>ABSENT:</b>	Brandy Callahan	Council Member
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<b>STAFF:</b>	Eddie Edwards	City Manager
	Danny Richards	Coordinator, EOC
	Stella E. Sauls	City Secretary
	Scott Radach	Director, Finance
	Jason Pender	Fire Marshal
	Kenneth Petr	Director, Planning & Zoning
	Bruce Roberts	Chief, Police Department
	Anthony “Bud” Griffin	Captain, Police Department
	James Harder	Director, Utilities

<b>VISITORS:</b>	Meryl Barnett	Brad Carpenter
	Mark Mitchell	Harvey Hathaway
	Jimmy Baker	Odis McClellan
	Dwight Rice	

**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 were heard.

**MINUTES APPROVED:** Following review of the minutes of the regular meeting of March 4, 2014, and the special meeting of March 12, 2014, motion was made by Council Member Dickson, seconded by Council Member Gillingham, to approve the minutes for the regular meeting of March 4, 2014 and the special meeting of March 12, 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 first 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 first half of March 2014 as submitted. The motion carried by the following vote:

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

**ORDINANCE O-001-14 AMENDING THE HOURS FOR SALE, SERVING, AND CONSUMPTION OF ALCOHOLIC BEVERAGES APPROVED:** City Manager Eddie Edwards stated that this is the final reading of Ordinance O-001-14 and the intent is to amend the hours for sale, serving and consumption of alcoholic beverages. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Dickson, to approve Ordinance O-001-14 amending the hours for sale, serving, and consumption of alcoholic beverages. The motion carried by the following motion:

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

The caption for Ordinance O-001-14 reads as follows:

**ORDINANCE O-001-14**

**AN ORDINANCE AMENDING THE CITY OF BORGER CODE OF ORDINANCES, ARTICLE 4.02, ALCOHOLIC BEVERAGES AMENDING THE HOURS FOR SALE, SERVING, AND CONSUMPTION; 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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**INTERLOCAL AGREEMENT BETWEEN THE CITY OF AMARILLO AND THE CITY OF BORGER FOR CANADIAN MUNICIPAL RIVER WATER AUTHORITY GROUND WATER ALLOCATION APPROVED:** City Manager Eddie Edwards explained to the Council that this agreement is to make sure the City of Borger has sufficient water supply if Agrium comes online before the City Well Field is complete. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Vinyard, to approve the Interlocal Agreement between the City of Amarillo and the City of Borger for CRMWA Ground Water Allocation. The motion carried by the following vote:

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

**LIVESTOCK WATER TAP AGREEMENT BETWEEN BIG CREEK RANCH AND THE CITY OF BORGER APPROVED:** City Manager Eddie Edwards stated that the City of Borger agreed to place several water taps for cattle usage along the easement purchased by the City. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Gillingham, to approve the Livestock Water Tap Agreement between Big Creek Ranch and the City of Borger. The motion carried by the following vote:

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

**THE AGRIMUM WATER SUPPLY AGREEMENT APPROVED:** The City Manager Eddie Edwards stated that this is the main agreement needed between the City of Borger and Agrium before the City issues debt for the Agrium project. Mr. Edwards explained that this will be a ten (10) year agreement and it follows the structure of the previous agreements with Agrium. Mr. Edwards also stated that this will be a take or pay contract. Following the discussion, motion was made by Council Member Vinyard, seconded by Council Member Dickson, to approve the Water Supply Agreement between the Agrium U.S. and the City of Borger. The motion carried by the following vote:

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

**DESIGN BUILD CONTRACTOR FOR THE MULTI-PURPOSE EVENT CENTER APPROVED:** City Manager Eddie Edwards explained to the Council that this is a standard agreement used on every construction project. Mr. Edwards stated that this agreement does two (2) things: it selects the design builder for the project should the funds be raised and it authorizes an expenditure of up to \$10,000.00 for preliminary architectural services of the project. Mr. Mark Mitchell gave the Council an update on the project and explained that this is needed to continue the fundraising process. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Vinyard, to approve the Standard Form of Agreement for preliminary design-build services for the Multi-Purpose Events Center between Wiley Hicks, Jr. and the City of Borger. The motion carried by the following vote:

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

**ORDINANCE O-002-14 AMENDING CHAPTER 13, CRITERIA FOR INITIATION AND TERMINATION OF DROUGHT RESPONSE AGREEMENT INTRODUCED:** Director of Utilities James Harder explained to the Council that pursuant to state rules the drought plan has to be updated every five (5) years. Mr. Harder stated that the plan has been changed to reflect the water brought in last year should the City have a shortage it will initiate the necessary stages in the drought plan. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Dickson, to introduce on first reading

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.

The caption for Ordinance O-002-14 reads 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 MAP TO THE CURRENT REVISION DATE INTRODUCED:**

Director of Planning and Zoning Kenneth Petr explained that the Codes are outdated and could affect insurance rates. Mr. Petr stated that this Ordinance is to get all the Codes up to the latest edition which is 2012. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Vinyard, to introduce on first reading Ordinance O-003-14, adopting 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..

The 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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**MEETING ADJOURNED:** There being no further business, motion was made by Council Member Vinyard, seconded by Council Member Gillingham to adjourn. 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