

**REGULAR MEETING OF CITY COUNCIL  
JULY 18, 2006**

**1:30 P.M.**

<b>PRESENT:</b>	Jeff Brain Garrett Spradling Charles Gillingham Charles "Pete" Loftis Leon DeWeese	Mayor Mayor Pro-tem Council Member Council Member Council Member
<b>STAFF:</b>	Wanda Klause Eddie Edwards Tom Edmonds Larry Mullenix Bruce Roberts Glynn Carlock Jimmy Adams	City Manager Asst. City Manager City Attorney Director, Planning & Zoning Lieutenant Director of Finance Chief of Police
<b>VISITORS:</b>	Danny Richards  Scott Honeyfield Chris Sharp Patrick Shinkle Beverly Benton R.D. Cornelison Manuel Tellez Ken Watson	Emergency Management Coordinator Parkhill, Smith & Cooper PRPC Southwest Securities, Inc. Chamber of Commerce County Commissioner BEDC Intern
<b>NEWS MEDIA:</b>	Melissa Hinze	Borger News Herald

**MONTHLY DEPARTMENTAL REPORTS APPROVED:** Following review of monthly departmental reports, motion was made by Council Member Loftis, seconded by Mayor Pro-tem Spradling, to approve the reports as submitted. The motion carried by the following vote:

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

**MINUTES APPROVED:** Following review of the minutes of the Regular Meeting of July 5, 2006, motion was made by Mayor Pro-tem Spradling, seconded by Council Member DeWeese, to approve the minutes as written. The motion carried by the following vote:

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

**PAYMENT OF EXPENDITURES APPROVED:** Following review, motion was made by Council Member Loftis, seconded by Council Member Gillingham, to approve payment of the expenditures for the first half of July as submitted. The motion carried by the following vote:

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

**RESOLUTION NO. R-008-06 AUTHORIZING INTENT TO ISSUE CERTIFICATES OF OBLIGATION APPROVED:** Patrick Shinkle, Financial Advisor, Southwest Securities, was present to discuss the issuance of certificates of obligation for the improvements and extensions to the city's waterworks and sewer system, improvements to park and recreational facilities, and constructing and equipping a community center and professional services rendered in connection with the acquisition, construction and financing of such projects. In connection with this project, the Council was asked to adopt Resolution No. R-008-06 approving and authorizing publication of notice of intention to issue certificates of obligation. Following discussion, motion was made by Council Member Loftis, seconded by Council Member Gillingham, to approve the resolution as written. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Resolution No. R-008-06 reads as follows:

**A RESOLUTION 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 V.T.C.A., Local Government Code, Subchapter C of Chapter 271, for the purpose of paying contractual obligations to be incurred for (i) the construction of public works, to wit: (a) improvements and extensions to the City's Waterworks and Sewer System, (b) improvements to park and recreational facilities, and (c) constructing and equipping a community center and (ii) professional services rendered in connection with the acquisition, construction and financing of such projects; and

**WHEREAS**, prior the issuance of such certificates, the City Council is required to publish notice of its intention to issue the same in a newspaper of general circulation in the City, said notice stating (i) the time and place the Council tentatively proposes to pass the ordinance authorizing the issuance of the certificates, (ii) the maximum amount proposed to be issued (iii) the purposes for which the certificates are to be issued and (iv) the manner in which the Council proposes to pay the certificates; now, therefore,

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

**SECTION 1:** The City Secretary is hereby authorized and directed to cause notice to be published of the Council's intention of issue certificates of obligation in a principal amount not to exceed \$5,000,000 for the purpose of paying contractual obligations to be incurred for (i) the construction of public works, to wit: (a) improvements and extensions to the City's Waterworks and Sewer System, (b) improvements to park and recreational facilities, and (c) constructing and equipping a community center and (ii) professional services rendered in connection with the acquisition, construction and financing of such projects, and such certificates shall be payable from ad valorem taxes and a limited 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:** 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 fifteen (15) days prior to the date stated therein for the passage of the ordinance authorizing the issuance of the certificates of obligation.

**SECTION 3:** 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 V.T.C.A., Government Code, Chapter 551, as amended.

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

**PASSED AND ADOPTED**, this July 18, 2006.

**CITY OF BORGER, TEXAS**

By: /s/ Jeff Brain, Mayor

ATTEST:

By: /s/ Wanda Klause, City Secretary

**RATIFICATION OF BEDC BOARD'S DECISION TO FUND ONE-HALF OF SALARY AND BENEFITS FOR THE MAIN STREET PROGRAM MANAGER'S POSITION**

**APPROVED:** Manuel Tellez, Interning with BEDC, was present to discuss a decision of the BEDC Board to fund one-half of the salary and benefits for the Main Street Program manager's position, and requested that the City Council ratify this decision. Following discussion, motion was made by Mayor Pro-tem Spradling, seconded by Council Member Loftis, to ratify a decision of BEDC's Board to fund one-half of the salary and benefits for the Main Street Program manager's position as requested. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**RESOLUTION NO. R-009-06 AUTHORIZING PARTICIPATION IN THE TEXAS MAIN STREET PROGRAM APPROVED:** The following resolution was submitted for the consideration of the Council.

**A RESOLUTION AUTHORIZING AND PARTICIPATING IN THE TEXAS MAIN STREET PROGRAM AND DESIGNATING THE CITY MANAGER TO COORDINATE ALL PROGRAM ACTIVITIES**

**WHEREAS,** The Texas Main Street Program of the Texas Historical Commission has been created to assist small cities to develop a public/private effort to revitalize their "Main Street" area, and up to five Texas cities of any population will be selected to participate in the Texas Main Street Program in 2007; and

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

**SECTION 1.** That the City of Borger apply for selection to participate in the 2007 Main Street Program with the specific goal of revitalizing the central business district within the context of the preservation and rehabilitation of its historic buildings.

**SECTION 2.** That the City of Borger will provide an adequate budget to employ a full-time Main Street Program manager for a minimum of three years, to provide funds for the training of the Main Street Program manager and the operating expenses of the program.

**SECTION 3.** That the City Manager be designated to supervise the Main Street manager activities.

**PASSED, APPROVED, AND ADOPTED THIS** \_\_\_day of \_\_\_\_\_, 200\_\_.

Following discussion, motion was made by Council Member Loftis, seconded by Mayor Pro-tem Spradling, to approve Resolution No. R-009-06. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**TOURISM SERVICES REPORT AND PROPOSED BUDGET OF CHAMBER**

**APPROVED:** Beverly Benton, CEO, Chamber of Commerce, submitted a tourism services report for 2005-2006 and a proposed budget for July 2006 - June 2007. Ms. Benton gave a detailed report of Chamber tourism activities and events. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Loftis, to receive and approve the tourism services report and budget. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**TOURISM SERVICES CONTRACT APPROVED :** A Tourism Services Contract between the City of Borger and the Borger Chamber of Commerce was submitted for the consideration of the Council. The City agrees to pay to Chamber 48.6% of its revenue from the hotel/motel

occupancy tax for the Chamber agreeing to provide materials and services designed to attract tourists to the City. Ms. Benton asked the Council to consider changing the expiration of the tourism contract to that of the Chamber budget. She indicated that the Chamber's budget year is April 1 through March 31. Following discussion, motion was made by Mayor Pro-tem Spradling, seconded by Council Member DeWeese, to approve the Tourism Services Contract and change the contract expiration to that of the Chamber budget year. The motion carried by the following vote:

Ayes: Mayor Pro-tem Spradling, Council Member DeWeese, and Council Member Loftis.  
Abstain: Charles Gillingham.  
Nays: None.

**PROPOSED FY 2006-2007 BUDGET REVIEWED AND PUBLIC HEARING**

**SCHEDULED:** Assistant City Manager Eddie Edwards presented the city's proposed budget for 2006-2007. Due to the increased cost of fuel, utilities and the Consumer Price Index, an increase in refuse collection fees, tipping fees, and ad valorem taxes will be necessary. Mr. Edwards discussed these increases, and asked the Council to receive the budget and schedule a public hearing for 1:30 p.m., August 1, 2006 to allow for citizen comments. Following discussion, motion was made by Council Member Spradling, seconded by Council Member Loftis, to receive the budget and schedule a public hearing for 1:30 p.m., August 1, 2006 as requested. The motion carried by the following vote:

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

**CONTRACT BETWEEN THE DEPARTMENT OF HEALTH SERVICES, BUREAU OF VITAL STATISTICS AND THE CITY OF BORGER APPROVED:**

City Manager Wanda Klause explained the scope of the contract between the State and the City concerning the issuance and certification of vital records to authorized individuals. The contract is valid for a period of two years beginning September 1, 2006 and ending August 31, 2008. Following discussion, motion was made by Council Member Loftis, seconded by Mayor Pro-tem Spradling, to approve the contract. The motion carried by the following vote:

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

**RESOLUTION NO. R-010-06 AUTHORIZING THE CITY'S PARTICIPATION IN THE APPLICATION OF A GRANT TO THE TEXAS PARKS AND WILDLIFE**

**COMMISSION APPROVED:** Chris Sharp, representing the Panhandle Regional Planning Commission, and Scott Honeyfield, representing the engineering firm of Parkhill, Smith & Cooper, were present to discuss the application of a grant to the Texas Parks and Wildlife Commission for funds to refurbish the Johnson Park Youth Facility. Mr. Sharp said the grant was in the amount of \$400,000 and the Commission would only issue four or five this year. He further said the city scored 106 four years ago and the cut-off for consideration was 135. He indicated that not much had changed in reference to scoring; therefore, he did not believe the city's chances for funding were favorable. There was also discussion relative to the merits of applying for an indoor grant versus an outdoor grant.

Mr. Honeyfield prepared the plans for the renovations and said he believed city crews could do a great deal of the work, thus, saving the city a considerable amount of money. Following discussion, motion was made by Mayor Pro-tem Spradling, seconded by Council Member Loftis, to approve Resolution No. R-010-06 authorizing the city to participate in the application of an outdoor grant to the Texas Parks and Wildlife Commission to refurbish the Johnson Park Youth Facility. The motion carried by the following vote:

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

Resolution No. R-010-06 reads as follows:

**A RESOLUTION OF THE CITY OF BORGER, TEXAS HEREINAFTER REFERRED TO AS "APPLICANT", DESIGNATING CERTAIN OFFICIALS AS BEING RESPONSIBLE FOR ACTING FOR, AND ON BEHALF OF THE APPLICANT IN DEALING WITH THE TEXAS PARKS & WILDLIFE DEPARTMENT, HEREINAFTER REFERRED TO AS "DEPARTMENT", FOR THE PURPOSE OF PARTICIPATING IN THE TEXAS RECREATION & PARKS ACCOUNT OUTDOOR RECREATION GRANT PROGRAM, HEREINAFTER REFERRED TO AS THE "PROGRAM"; CERTIFYING THAT THE APPLICANT IS ELIGIBLE TO RECEIVE PROGRAM ASSISTANCE; CERTIFYING THAT THE APPLICANT MATCHING SHARE IS READILY AVAILABLE; DEDICATING THE PROPOSED SITE FOR PERMANENT (OR FOR THE TERM OF THE LEASE FOR LEASED PROPERTY) PUBLIC PARK AND RECREATIONAL USES; AND CERTIFYING THAT THE APPLICATION HAS BEEN SUBMITTED TO THE APPROPRIATE REGIONAL COUNCIL OF GOVERNMENTS FOR THE TEXAS REVIEW AND COMMENT SYSTEM (TRACS) REVIEW**

**WHEREAS**, the Applicant is fully eligible to receive assistance under the Program; and

**WHEREAS**, the Applicant is desirous of authorizing an official to represent and act for the Applicant in dealing with the Department concerning the Program;

**BE IT RESOLVED BY THE APPLICANT:**

**SECTION 1:** That the Applicant hereby certifies that they are eligible to receive assistance under the Program, and that notice of the application has been posted according to local public hearing requirements.

**SECTION 2:** That the Applicant hereby certifies that the matching share for this application is readily available at this time.

**SECTION 3:** That the Applicant hereby authorizes and directs its City Manager to act for the Applicant in dealing with the Department for the purposes of the Program, and that Wanda Klaus is hereby officially designated as the representative in this regard.

**SECTION 4:** The Applicant hereby specifically authorizes the official to make application to the Department concerning the site to be known as Johnson Park Municipal Swimming Pool in the City of Borger of Hutchinson County for use as a park site and is hereby dedicated (or will be dedicated upon completion of the proposed acquisition) for public park and recreation purposes in perpetuity (or for the lease term, if legal control is through a lease). Projects with federal monies may have differing requirements.

**SECTION 5:** That the Applicant hereby certifies that a copy of the application has been submitted to the appropriate regional council of governments for Texas Review and Comments System consideration.

Introduced, read and passed by the affirmative vote of the "Applicant" on this 18<sup>th</sup> day of July, 2006.

/s/ Jeff Brain  
Mayor, City of Borger, Texas

**STAFF AUTHORIZED TO ESTABLISH ESCROW ACCOUNT FOR ALLEY PAVING**

**PROJECT:** Director of Planning & Zoning Larry Mullenix submitted a letter from Terry Mongold, 104 Pinehurst, requesting the city establish an escrow account to receive funds in the amount of \$1,936.00 to be used for paving the alley along Blocks 18, 19 & 28, Fairlanes Addition. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member DeWeese, to authorize the staff to establish an escrow account to be used for the paving of the alley along Blocks 18, 19 & 28 as requested, and to schedule the project when all monies have been deposited into the escrow account. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**QUESTIONS AND COMMENTS FROM CITIZENS:** Mr. R.D. Cornelison expressed his concerns about Broadmoor Street. He thanked the police for traffic control and public works for the turning lane; however, he said that Broadmoor Street was in dire need to repair. He addressed weeds growing adjacent to the curb, and also asked about the city's seal coat program.

The Council asked questions of the staff and advised Mr. Cornelison that the City would address these issues.

Ken Watson asked if any progress had been made on the laying of a water line on Golf Road in the Bunavista Addition. Larry Mullenix advised the Council that no further progress had been made in relation to the adjacent property owners.

**MEETING ADJOURNED:** There being no further business, the meeting was adjourned.

\_\_\_\_\_  
**ATTEST:**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Secretary