

**REGULAR MEETING OF CITY COUNCIL
NOVEMBER 7, 2006**

1:30 P.M.

PRESENT:	Jeff Brain Garrett Spradling Charles "Pete" Loftis Charles Gillingham Leon DeWeese	Mayor Mayor Pro-tem Council Member Council Member Council Member
STAFF:	Eddie Edwards Larry Mullenix Bruce Roberts Gayland Darnell	Asst. City Manager Director, Planning & Zoning Police Captain Fire Chief
VISITORS:	Steve Bloomberg Dan Redd Jerry Poole Jimmy Gowdy Scott Mills Jackie Cannady Linda Moore	BEDC BEDC
NEWS MEDIA:	Michelle Berry	Borger News Herald

MINUTES APPROVED: Following review of the minutes of the Regular Meeting of October 17, 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 last half of October 2006 as submitted. The motion carried by the following vote:

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

REQUEST FROM JIMMY GOWDY TO PLACE PUMP JACK IN RIGHT-OF-WAY REMOVED FROM TABLE AND APPROVED: Mayor Jeff Brain stated that at the last regular council meeting a request from Jimmy Gowdy to place a decorative pump jack in the right-of-way at 321 W. Fifth Street was tabled due to a lack of information. Motion was made by Council Member Loftis, seconded by Council Member Gillingham, to remove the item from the table for discussion. The motion carried by the following vote:

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

Jimmy Gowdy, owner of property located at 321 W. Fifth Street, was present to discuss the placement of a pump jack in the right-of-way. A suggestion was made to angle the pump jack toward Hedgecoke Street to reduce the possibility of impeding motorist's vision. Following discussion, motion was made by Mayor Pro-tem Spradling, seconded by Council Member Loftis, to approve the placement of the pump jack in the right-of-way pending final approval by the Director of Planning & Zoning. The motion carried by the following vote:

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

APPOINTMENT OF DAN REDD AS NEW CEO OF BORGER ECONOMIC

DEVELOPMENT CORPORATION CONFIRMED: Scott Mills, President, Borger Economic Development Corporation, submitted information relative to the Board's appointment of Dan Redd as the new CEO of the BEDC and requested that the appointment of Dan Redd be confirmed by the City Council. Both Mills and Redd praised the Council for the work they have done in the community to improve the quality of life for citizens. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member DeWeese, to confirm the Board's appointment of Dan Redd as its new Chief Executive Officer. The motion carried by the following vote:

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

RESOLUTION NO. R-016-06 APPROVED: Resolution No. R-016-06 indicating the desire of the City Council to participate in a local government purchasing cooperative program, created by local governments in accordance with and pursuant to, Section 271, 101, of the Texas Local Government Code was submitted for the consideration of the Council. Following discussion, motion was made by Mayor Pro-tem Spradling, seconded by Council Member Loftis, to approve the resolution. The motion carried by the following vote:

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

The resolution read as follows:

WHEREAS, the City of Borger (hereinafter "Cooperative Member") desires to participate in a local government cooperative purchasing program pursuant to the authority granted by Chapter 791 of the Texas Government Code, the Interlocal Cooperative Act ("Act");

WHEREAS, the City of Borger has elected to be a Cooperative Member in the Local Government Purchasing Cooperative (hereinafter "Cooperative"), a local government purchasing cooperative program created by local governments in accordance with an pursuant to the Act and Section 271.101, et seq., of the Texas Local Government Code;

WHEREAS, the Cooperative Member, is of the opinion that participation in the Cooperative's purchasing program will be highly beneficial to the taxpayers of the local government through the efficiencies and potential savings to be realized; and

WHEREAS, the Cooperative Member desires to participate and join with other local governments in an Interlocal Participation Agreement ("Agreement") for the purpose of fulfilling and implementing their respective public and governmental purposes, needs, objectives, programs, functions and services;

NOW, THEREFORE, BE IT RESOLVED, that the Cooperative Member requests that the Cooperative include its stated needs for all categories, including but not limited to, instructional, maintenance, custodial, and food service goods and services, in the Cooperative's purchasing program and select vendors for those items, whereby the Cooperative members may be allowed to purchase those items from the Cooperative's contracts; and that Cooperative is authorized to sign and deliver necessary requests and other documents in connection therewith for an on behalf of the Cooperative Members that have elected to participate.

FURTHER, BE IT RESOLVED, that the Board of Trustees of the Cooperative Member authorizes its Board President, Superintendent or other officer to execute the Interlocal Participation Agreement which includes the adoption and approval of the Organizational Interlocal Agreement previously executed and adopted by two or more local governments.

FINALLY, BE IT RESOLVED that the execution of this Resolution shall evidence the election of Cooperative Member and eligible local governments to become members of the Cooperative upon the terms and conditions stated. The Board of Trustees has, and at the time of adoption of this Resolution had, full power and lawful authority to adopt the foregoing Resolution and to confer the obligations, power, and authority to the persons named, who are hereby granted the power to exercise the same.

INTERLOCAL PARTICIPATION AGREEMENT WITH THE LOCAL GOVERNMENT

PURCHASING COOPERATION APPROVED: Eddie Edwards, Assistant City Manager, submitted an Interlocal Participation Agreement with the Local Government Purchasing Cooperative more commonly known as BuyBoard for Council consideration. Following discussion, motion was made by Council Member Loftis, seconded by Council Member Gillingham, to approve the Interlocal Participation Agreement. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

STAFF AUTHORIZED TO ESTABLISH ESCROW ACCOUNT FOR ALLEY PAVING

PROJECT: Director of Planning & Zoning Larry Mullenix submitted a letter from Gary Phares, 902 Lee Street, requesting the city establish an escrow account to receive funds in the

amount of \$1,100.00 to be used to pave the alley along Block 54, Isom Addition, between Lee and Roosevelt Streets. Following discussion, motion was made by Mayor Pro-tem Spradling, seconded by Council Member DeWeese, to authorize the staff to establish an escrow account to be used to pave the alley along Block 54, Isom Addition 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.

WASTEWATER COLLECTION AGREEMENT BETWEEN R&M ENERGY AND THE CITY OF BORGER APPROVED: Eddie Edwards, Assistant City Manager, reviewed a wastewater collection agreement between R&M Energy and the City of Borger. R&M Energy has been paying a flat base rate for sewer services without paying a charge for the additional per 1,000 gallons going through the city's system. This agreement will rectify the matter with checks and balances for both parties. Following discussion, motion was made by Council Member DeWeese, seconded by Council Member Loftis, to approve the Wastewater Collection Agreement as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

PUBLIC HEARING CONDUCTED - SPECIFIC USE PERMIT ISSUED: Mayor Jeff Brain opened a public hearing on a request submitted by Larry Kelley for a specific use permit in order to place a manufactured home in a General Residence Zoned District at 1027 W. 10th Street, Lot 5, Block 14, Rock Creek Addition. Mayor Brain asked if anyone wished to speak in regard to the request. There being no comments, the public hearing was closed. Following discussion, motion was made by Council Member DeWeese, seconded by Mayor Pro-tem Spradling, to approve the request and authorize the staff to issue a specific use permit as requested. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

PUBLIC HEARING CONDUCTED - SPECIFIC USE PERMIT ISSUED: Mayor Brain opened a public a public hearing on a request to construct a mini-storage facility on Block 30, Fairlanes Unit 11 Addition. Mayor Brain asked if anyone wished to comment. No comments were heard; therefore, the Mayor closed the public hearing. Following discussion, motion was made by Council Member DeWeese, seconded by Mayor Pro-tem Barnett, to approve the request and authorize the staff to issue a specific use permit as requested. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

PLAT OF SECTIONS 31 AND 34 RECEIVED - PUBLIC HEARING SCHEDULED: The

Planning & Zoning Commission submitted a recommendation concerning the platting of a 7.759 acre tract of land located in the southeast corner of Section 34, and the southwest corner of Section 31, Block Y, A&B Survey requesting the Council's consideration of this plat. Following discussion, motion was made by Mayor Pro-tem Spradling, seconded by Council Member DeWeese, to receive the plat and schedule a public hearing for 1:30 p.m., November 21, 2006 to allow for citizen comments. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

DEMOLITION OF PROPERTY LOCATED AT 1127 VALLEY DRIVE DELAYED:

Larry Mullenix, Director of Planning & Zoning, submitted information concerning property owned by Jackie Cannady located at 1127 Valley Drive, Lot 18, Block 10, Phillips Addition. The Building Standards Commission recommended this property for demolition; however, Mr. Cannady appeared before the Council and appealed the recommendation of the Building Standards Commission and asked for a forty-five (45) day extension in order to bring the structure up to Code. The Council approved his request.

Mr. Mullenix informed the Council that Mr. Cannady's time has expired; he submitted pictures of the work that has been done, advising the Council of Mr. Cannady's progress. Following discussion, motion was made by Mayor Pro-tem Spradling, seconded by Council Member Gillingham, that Mr. Cannady be granted an additional ninety (90) day extension. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

RECOMMENDATIONS FROM BUILDING STANDARDS COMMISSION APPROVED:

After proper notice and hearings, the Building Standards Commission of the City of Borger has determined and declared the building(s) located on the properties described herein as substandard and cannot reasonably be repaired and has ordered the demolition thereof as provided in the Substandard Building Ordinance.

The property in question is located at the following site:

1. 212 Monroe, Lots 23-24, Block 15, Isom Addition

Following discussion, motion was made by Mayor Pro-tem Spradling, seconded by Council Member Loftis, to approve the recommendation submitted by the Building Standards Commission. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

ORDINANCE AMENDMENT RECEIVED – PUBLIC HEARING SCHEDULED: Larry

Mullenix, Director of Planning & Zoning, submitted a request from the Building Standards

Commission for the Council's consideration of Ordinance No. O-013-06 to amend Chapter 3, "Building Regulations", Article 3.03, Energy Conservation Code, of the City's Code of Ordinances. Mr. Mullenix also asked the Council to schedule a public hearing for 1:30 p.m., December 5, 2006 to allow for public comments. Following discussion, motion was made by Mayor Pro-tem Spradling, seconded by Council Member Gillingham, to receive the request and schedule a public hearing for 1:30 p.m., December 5, 2006 as requested. The motion carried by the following vote:

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

ORDINANCE AMENDMENT RECEIVED – PUBLIC HEARING SCHEDULED: Larry Mullenix, Director of Planning & Zoning, submitted a request from the Building Standards Commission for the council's consideration of Ordinance No. O-014-06 to amend Chapter 3, "Building Regulations", Article 3.10, Residential Code, of the City's Code of Ordinances. Mr. Mullenix also asked the Council to schedule a public hearing for 1:30 p.m., December 5, 2006 to allow for public comments. Following discussion, motion was made by Council Member Loftis, seconded by Council Member DeWeese, to receive the request and schedule a public hearing for 1:30 p.m., December 5, 2006 as requested. The motion carried by the following vote:

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

BID AWARDED: Assistant City Manager Eddie Edwards spoke to the council in reference to a bid for a CXT Pre-Cast restroom facility on a Texas Multiple Award System Contract #TXMAS-5-560-100 to be located at Huber Park. Following discussion, motion was made by Mayor Pro-tem Spradling, seconded by Council Member DeWeese, to purchase a Dakota as configured at a cost of \$65,865.14. The motion carried by the following vote:

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

QUESTIONS AND COMMENTS FROM CITIZENS: None were heard.

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

ATTEST:

Mayor

City Secretary