



Ayes: All members present voted aye.

Nays: None.

**SIX (6) RESOLUTIONS CREATING NEIGHBORHOOD EMPOWERMENT ZONES**

**APPROVED:** Six (6) resolutions creating neighborhood empowerment zones as authorized under Texas Local Government Code, Section 378, were submitted for the consideration of the Council. The resolutions read as follows:

**RESOLUTION NO. R-017-06**

**A RESOLUTION OF THE CITY OF BORGER, TEXAS, ADOPTING, CREATING, AND DESIGNATING NEIGHBORHOOD EMPOWERMENT ZONE ONE NORTH, ESTABLISHING THE BOUNDARIES OF SUCH ZONE, PROVIDING FOR WAIVING CERTAIN FEES, TAX ABATEMENTS AND SETTING BASELINE PERFORMANCE STANDARDS AND SETTING AN EFFECTIVE DATE.**

**WHEREAS,** Section 378 of the Texas Local Government Code authorizes cities to create and accept neighborhood empowerment zones (NEZ) upon certain determinations by the city; and,

**WHEREAS,** The City of Borger may exercise certain powers in a NEZ in addition to other powers the City may have; and,

**WHEREAS,** The City Council of the City of Borger determines the creation of Neighborhood Empowerment Zone One North (NEZ One North) would promote:

**WHEREAS,** The City Council of the City of Borger finds that:

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

- 1.the creation of affordable housing, including manufactured housing, in the zone; or
- 2.an increase in economic development in the zone; or
- 3.an increase in the quality of social services, education, or public safety provided residents of the zone; or
- 4.the rehabilitation of affordable housing in the zone; and

**WHEREAS,** The City Council of the City of Borger finds that:

1. the creation of Neighborhood Empowerment Zone One North benefits and is for the public purpose of increasing the public health, safety and welfare of the persons in the municipality; and
2. the creation of the zone satisfies the requirements of Section 312.202 of the Texas Tax Code.

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

- §1. The facts, determinations, findings and recitations contained in the preamble of this Resolution are found and declared to be true and correct.
- §2. Neighborhood Empowerment Zone One North is hereby created and is described on Exhibit "A" attached hereto and incorporated by reference.
- §3. In addition to other powers the City of Borger may have, in Neighborhood Empowerment Zone One North it may, in its sole and uncontrolled discretion, give one or more of the following incentives;

1. Waive or adopt fees related to the construction of buildings in the zone, including fees related to the inspection of buildings and impact fees; and
  2. Enter into agreements abating municipal property taxes on property in the zone subject to the duration limits of Section 312.204 of the Texas Tax Code; and
  3. Set base line performance standards, such as the Energy Star Program as developed by the Department of Energy, to encourage the use of alternative building materials that address concerns relating to the environment or to the building costs, maintenance, or energy consumption.
- §4. The providing of any incentive hereunder shall only be done pursuant to a written agreement.
- §5. The designation of the zone shall expire December 31, 2011. The Zone may be renewed for one or more subsequent terms of 5 years; however, in no event shall the term of the zone exceed ten years.
- §6. If any portion, section, or part of a section of this Resolution is subsequently declared invalid, inoperative or void for reasons by a court of competent jurisdiction, the remaining portions, sections or parts of sections of this Resolution shall be and remain in full force and effect and shall not in any way be impaired or affected by any such decision, opinion or judgment.
- §7. This Resolution shall take effect upon its adoption.

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**RESOLUTION NO. R-018-06**

**A RESOLUTION OF THE CITY OF BORGER, TEXAS, ADOPTING, CREATING, AND DESIGNATING NEIGHBORHOOD EMPOWERMENT ZONE TWO NORTH, ESTABLISHING THE BOUNDARIES OF SUCH ZONE, PROVIDING FOR WAIVING CERTAIN FEES, TAX ABATEMENTS AND SETTING BASELINE PERFORMANCE STANDARDS AND SETTING AN EFFECTIVE DATE.**

**WHEREAS**, Section 378 of the Texas Local Government Code authorizes cities to create and accept neighborhood empowerment zones (NEZ) upon certain determinations by the city; and,

**WHEREAS**, The City of Borger may exercise certain powers in a NEZ in addition to other powers the City may have; and,

**WHEREAS**, The City Council of the City of Borger determines the creation of Neighborhood Empowerment Zone Two North (NEZ Two North) would promote:

- 1 the creation of affordable housing, including manufactured housing, in the zone; or
2. an increase in economic development in the zone; or
3. an increase in the quality of social services, education, or public safety provided residents of the zone; or
4. the rehabilitation of affordable housing in the zone; and

**WHEREAS**, The City Council of the City of Borger finds that:

1. the creation of Neighborhood Empowerment Zone Two North benefits and is for the public purpose of increasing the public health, safety and welfare of the persons in the municipality; and
2. the creation of the zone satisfies the requirements of Section 312.202 of the Texas Tax Code.

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

- §1. The facts, determinations, findings and recitations contained in the preamble of this Resolution are found and declared to be true and correct.
- §2. Neighborhood Empowerment Zone Two North is hereby created and is described on Exhibit "A" attached hereto and incorporated by reference.
- §3. In addition to other powers the City of Borger may have, in Neighborhood Empowerment Zone Two North it may, in its sole and uncontrolled discretion, give one or more of the following incentives;
  - a. Waive or adopt fees related to the construction of buildings in the zone, including fees related to the inspection of buildings and impact fees; and
  - b. Enter into agreements abating municipal property taxes on property in the zone subject to the duration limits of Section 312.204 of the Texas Tax Code; and
  - c. Set base line performance standards, such as the Energy Star Program as developed by the Department of Energy, to encourage the use of alternative building materials that address concerns relating to the environment or to the building costs, maintenance, or energy consumption.
- §4. The providing of any incentive hereunder shall only be done pursuant to a written agreement.
- §5. The designation of the zone shall expire December 31, 2011. The Zone may be renewed for one or more subsequent terms of 5 years; however, in no event shall the term of the zone exceed ten years.
- §6. If any portion, section, or part of a section of this Resolution is subsequently declared invalid, inoperative or void for reasons by a court of competent jurisdiction, the remaining portions, sections or parts of sections of this Resolution shall be and remain in full force and effect and shall not in any way be impaired or affected by any such decision, opinion or judgment.
- §7. This Resolution shall take effect upon its adoption.

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**RESOLUTION NO. R-019-06**

**A RESOLUTION OF THE CITY OF BORGER, TEXAS, ADOPTING, CREATING, AND DESIGNATING NEIGHBORHOOD EMPOWERMENT ZONE EAST SIDE, ESTABLISHING THE BOUNDARIES OF SUCH ZONE, PROVIDING FOR WAIVING CERTAIN FEES, TAX ABATEMENTS AND SETTING BASELINE PERFORMANCE STANDARDS AND SETTING AN EFFECTIVE DATE.**

**WHEREAS**, Section 378 of the Texas Local Government Code authorizes cities to create and accept neighborhood empowerment zones (NEZ) upon certain determinations by the city; and,

**WHEREAS**, The City of Borger may exercise certain powers in a NEZ in addition to other powers the City may have; and,

**WHEREAS**, The City Council of the City of Borger determines the creation of Neighborhood Empowerment Zone East Side (NEZ East Side) would promote:

1. the creation of affordable housing, including manufactured housing, in the zone; or
2. an increase in economic development in the zone; or
3. an increase in the quality of social services, education, or public safety provided residents of the zone; or
4. the rehabilitation of affordable housing in the zone; and

**WHEREAS,** The City Council of the City of Borger finds that:

1. the creation of Neighborhood Empowerment Zone East Side benefits and is for the public purpose of increasing the public health, safety and welfare of the persons in the municipality; and
2. the creation of the zone satisfies the requirements of Section 312.202 of the Texas Tax Code.

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

- §1. The facts, determinations, findings and recitations contained in the preamble of this Resolution are found and declared to be true and correct.
- §2. Neighborhood Empowerment Zone East Side is hereby created and is described on Exhibit "A" attached hereto and incorporated by reference.
- §3. In addition to other powers the City of Borger may have, in Neighborhood Empowerment Zone East Side it may, in its sole and uncontrolled discretion, give one or more of the following incentives;
  - a. Waive or adopt fees related to the construction of buildings in the zone, including fees related to the inspection of buildings and impact fees; and
  - b. Enter into agreements abating municipal property taxes on property in the zone subject to the duration limits of Section 312.204 of the Texas Tax Code; and
  - c. Set base line performance standards, such as the Energy Star Program as developed by the Department of Energy, to encourage the use of alternative building materials that address concerns relating to the environment or to the building costs, maintenance, or energy consumption.
- §4. The providing of any incentive hereunder shall only be done pursuant to a written agreement.
- §5. The designation of the zone shall expire December 31, 2011. The Zone may be renewed for one or more subsequent terms of 5 years; however, in no event shall the term of the zone exceed ten years.
- §6. If any portion, section, or part of a section of this Resolution is subsequently declared invalid, inoperative or void for reasons by a court of competent jurisdiction, the remaining portions, sections or parts of sections of this Resolution shall be and remain in full force and effect and shall not in any way be impaired or affected by any such decision, opinion or judgment.
- §7. This Resolution shall take effect upon its adoption.

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**RESOLUTION NO. R-020-06**

**A RESOLUTION OF THE CITY OF BORGER, TEXAS, ADOPTING, CREATING, AND DESIGNATING NEIGHBORHOOD EMPOWERMENT ZONE BORGER SOUTH, ESTABLISHING THE BOUNDARIES OF SUCH ZONE, PROVIDING FOR WAIVING CERTAIN FEES, TAX ABATEMENTS AND SETTING BASELINE PERFORMANCE STANDARDS AND SETTING AN EFFECTIVE DATE.**

**WHEREAS**, Section 378 of the Texas Local Government Code authorizes cities to create and accept neighborhood empowerment zones (NEZ) upon certain determinations by the city; and,

**WHEREAS**, The City of Borger may exercise certain powers in a NEZ in addition to other powers the City may have; and,

**WHEREAS**, The City Council of the City of Borger determines the creation of Neighborhood Empowerment Zone Borger South (NEZ Borger South) would promote:

1. the creation of affordable housing, including manufactured housing, in the zone; or
2. an increase in economic development in the zone; or
3. an increase in the quality of social services, education, or public safety provided residents of the zone; or
4. the rehabilitation of affordable housing in the zone; and

**WHEREAS**, The City Council of the City of Borger finds that:

1. the creation of Neighborhood Empowerment Zone Borger South benefits and is for the public purpose of increasing the public health, safety and welfare of the persons in the municipality; and
2. the creation of the zone satisfies the requirements of Section 312.202 of the Texas Tax Code.

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

- §1. The facts, determinations, findings and recitations contained in the preamble of this Resolution are found and declared to be true and correct.
- §2. Neighborhood Empowerment Zone Borger South is hereby created and is described on Exhibit "A" attached hereto and incorporated by reference.
- §3. In addition to other powers the City of Borger may have, in Neighborhood Empowerment Zone Borger South it may, in its sole and uncontrolled discretion, give one or more of the following incentives;
  - a. Waive or adopt fees related to the construction of buildings in the zone, including fees related to the inspection of buildings and impact fees; and
  - b. Enter into agreements abating municipal property taxes on property in the zone subject to the duration limits of Section 312.204 of the Texas Tax Code; and
  - c. Set base line performance standards, such as the Energy Star Program as developed by the Department of Energy, to encourage the use of alternative building materials that address concerns relating to the environment or to the building costs, maintenance, or energy consumption.
- §4. The providing of any incentive hereunder shall only be done pursuant to a written agreement.
- §5. The designation of the zone shall expire December 31, 2011. The Zone may be renewed for one or more subsequent terms of 5 years; however, in no event shall the term of the zone exceed ten years.
- §6. If any portion, section, or part of a section of this Resolution is subsequently declared invalid, inoperative or void for reasons by a

court of competent jurisdiction, the remaining portions, sections or parts of sections of this Resolution shall be and remain in full force and effect and shall not in any way be impaired or affected by any such decision, opinion or judgment.

§7. This Resolution shall take effect upon its adoption.

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**RESOLUTION NO. R-021-06**

**A RESOLUTION OF THE CITY OF BORGER, TEXAS, ADOPTING, CREATING, AND DESIGNATING NEIGHBORHOOD EMPOWERMENT ZONE WEST SIDE, ESTABLISHING THE BOUNDARIES OF SUCH ZONE, PROVIDING FOR WAIVING CERTAIN FEES, TAX ABATEMENTS AND SETTING BASELINE PERFORMANCE STANDARDS AND SETTING AN EFFECTIVE DATE.**

**WHEREAS**, Section 378 of the Texas Local Government Code authorizes cities to create and accept neighborhood empowerment zones (NEZ) upon certain determinations by the city; and,

**WHEREAS**, The City of Borger may exercise certain powers in a NEZ in addition to other powers the City may have; and,

**WHEREAS**, The City Council of the City of Borger determines the creation of Neighborhood Empowerment Zone West Side (NEZ West Side) would promote:

- 1. the creation of affordable housing, including manufactured housing, in the zone; or
- 2. an increase in economic development in the zone; or
- 3. an increase in the quality of social services, education, or public safety provided residents of the zone; or
- 4. the rehabilitation of affordable housing in the zone; and

**WHEREAS**, The City Council of the City of Borger finds that:

- 1. the creation of Neighborhood Empowerment Zone West Side benefits and is for the public purpose of increasing the public health, safety and welfare of the persons in the municipality; and
- 2. the creation of the zone satisfies the requirements of Section 312.202 of the Texas Tax Code.

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

- §1. The facts, determinations, findings and recitations contained in the preamble of this Resolution are found and declared to be true and correct.
- §2. Neighborhood Empowerment Zone West Side is hereby created and is described on Exhibit "A" attached hereto and incorporated by reference.
- §3. In addition to other powers the City of Borger may have, in Neighborhood Empowerment Zone West Side it may, in its sole and uncontrolled discretion, give one or more of the following incentives;
  - 1. Waive or adopt fees related to the construction of buildings in the zone, including fees related to the inspection of buildings and impact fees; and
  - 2. Enter into agreements abating municipal property taxes on property in the zone subject to the duration limits of Section 312.204 of the Texas Tax Code; and
  - 3. Set base line performance standards, such as the Energy Star Program as developed by the Department of Energy, to encourage the use of alternative

building materials that address concerns relating to the environment or to the building costs, maintenance, or energy consumption.

§4. The providing of any incentive hereunder shall only be done pursuant to a written agreement.

§5. The designation of the zone shall expire December 31, 2011. The Zone may be renewed for one or more subsequent terms of 5 years; however, in no event shall the term of the zone exceed ten years.

§6. If any portion, section, or part of a section of this Resolution is subsequently declared invalid, inoperative or void for reasons by a court of competent jurisdiction, the remaining portions, sections or parts of sections of this Resolution shall be and remain in full force and effect and shall not in any way be impaired or affected by any such decision, opinion or judgment.

§7. This Resolution shall take effect upon its adoption.

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**RESOLUTION NO. R-022-06**

**A RESOLUTION OF THE CITY OF BORGER, TEXAS, ADOPTING, CREATING, AND DESIGNATING NEIGHBORHOOD EMPOWERMENT ZONE BORGER WEST, ESTABLISHING THE BOUNDARIES OF SUCH ZONE, PROVIDING FOR WAIVING CERTAIN FEES, TAX ABATEMENTS AND SETTING BASELINE PERFORMANCE STANDARDS AND SETTING AN EFFECTIVE DATE.**

**WHEREAS**, Section 378 of the Texas Local Government Code authorizes cities to create and accept neighborhood empowerment zones (NEZ) upon certain determinations by the city; and,

**WHEREAS**, The City of Borger may exercise certain powers in a NEZ in addition to other powers the City may have; and,

**WHEREAS**, The City Council of the City of Borger determines the creation of Neighborhood Empowerment Zone Borger West (NEZ Borger West) would promote:

1. the creation of affordable housing, including manufactured housing, in the zone; or
2. an increase in economic development in the zone; or
3. an increase in the quality of social services, education, or public safety provided residents of the zone; or
4. the rehabilitation of affordable housing in the zone; and

**WHEREAS**, The City Council of the City of Borger finds that:

1. the creation of Neighborhood Empowerment Zone Borger West benefits and is for the public purpose of increasing the public health, safety and welfare of the persons in the municipality; and
2. the creation of the zone satisfies the requirements of Section 312.202 of the Texas Tax Code.

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

- §1. The facts, determinations, findings and recitations contained in the preamble of this Resolution are found and declared to be true and correct.
- §2. Neighborhood Empowerment Zone Borger West is hereby created

and is described on Exhibit "A" attached hereto and incorporated by reference.

- §3. In addition to other powers the City of Borger may have, in Neighborhood Empowerment Zone Borger West it may, in its sole and uncontrolled discretion, give one or more of the following incentives;
1. Waive or adopt fees related to the construction of buildings in the zone, including fees related to the inspection of buildings and impact fees; and
  2. Enter into agreements abating municipal property taxes on property in the zone subject to the duration limits of Section 312.204 of the Texas Tax Code; and
  3. Set base line performance standards, such as the Energy Star Program as developed by the Department of Energy, to encourage the use of alternative building materials that address concerns relating to the environment or to the building costs, maintenance, or energy consumption.
- §4. The providing of any incentive hereunder shall only be done pursuant to a written agreement.
- §5. The designation of the zone shall expire December 31, 2011. The Zone may be renewed for one or more subsequent terms of 5 years; however, in no event shall the term of the zone exceed ten years.
- §6. If any portion, section, or part of a section of this Resolution is subsequently declared invalid, inoperative or void for reasons by a court of competent jurisdiction, the remaining portions, sections or parts of sections of this Resolution shall be and remain in full force and effect and shall not in any way be impaired or affected by any such decision, opinion or judgment.
- §7. This Resolution shall take effect upon its adoption.

Following review and consideration of Resolution No. R-017-06, Resolution No. R-018-06, Resolution No. R-019-06, Resolution No. R-020-06, Resolution R-021-06, and Resolution No. R-022-06, motion was made by Mayor-Pro-tem Spradling, seconded by Council Member Gillingham, to approve the resolutions as written. The motion carried by the following vote:

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

**BIDS AWARDED:** Henry Veach, Director of Public Works, submitted bids received for the following equipment, along with the apparent low bidder for each piece of equipment.

Following his review, Veach recommended award of bid to the apparent low bidder.

1. Robert's Truck Center – 35,000 G.V.W.R. Dump Truck @ \$61,283.95
2. Amarillo Truck Center – 35,000 G.V.W.R. Cab and Chassis @ \$55,656.00
3. Equipment Southwest – 25 Cubic Yard Side Loader Packer @ \$46,600.00
4. Bruckner's - 80,000 G.V.W.R. Truck Tractor @ \$78,450.00
5. Travis Body and Trailer – 110 yard Transfer Trailer @ \$58,460.00
6. Bee Equipment – 5 Cubic Yard Self Propelled Track Paver @ \$46,500.00

Following discussion, motion was made by Mayor Pro-tem Spradling, seconded by Council Member DeWeese, to award bid to the low bidder in each case as recommended. The motion carried by the following vote:

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

**INTERLOCAL AGREEMENT FOR RADIO DISPATCHING SERVICES APPROVED:**

Assistant City Manager Eddie Edwards submitted a radio dispatching agreement that sets out terms and conditions for the City of Borger to provide radio dispatching services for the City of Fritch. The City of Borger will provide radio dispatching services twenty-four hours per day, three hundred and sixty-five days per year for the sum of \$10,000 per year. Following discussion, motion was made by Council Member Loftis, seconded by Council Member Gillingham, to approve the agreement as written. The motion carried by the following vote:

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

**PROFESSIONAL SERVICES AGREEMENT BETWEEN PARKHILL, SMITH AND COOPER AND THE CITY OF BORGER APPROVED:**

An agreement for professional services between Parkhill, Smith and Cooper and the City of Borger for the design of a new water well to be located in the City's existing well water field was submitted for the consideration of the Council. Following discussion, motion was made by Mayor Pro-tem Spradling, seconded by Council Member DeWeese, to approve the agreement as written. The motion carried by the following vote:

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

**STANDARD FORM OF ARCHITECT'S SERVICES PARTS 1 & 2 BETWEEN PARKHILL, SMITH & COOPER AND THE CITY OF BORGER APPROVED:**

A standard form of architect's services, parts 1 & 2 was submitted for the Council's consideration by Parkhill, Smith and Cooper pertaining to the architectural design, competitive bidding, and construction services for the Johnson Park Youth Center. Following review and discussion, motion was made by Council Member Loftis, seconded by Council Member DeWeese, to approve the Standard Form of Architect's Services, Parts 1 & 2 as submitted. The motion carried by the following vote:

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

**ONE OPERATION FACELIFT CONTRACT APPROVED:** One (1) operation facelift contract was submitted for demolition and cleanup of the following property:

1. Single story wood frame construction residence, garage and storage building located at 909 N. McGee, S/26.4' of Lot 5, and N/8' of Lot 6, Block 8, Thompson Addition

Following discussion, motion was made by Mayor Pro-tem Spradling, seconded by Council Member Loftis, to approve the operation facelift contract for demolition and cleanup. The motion carried by the following vote:

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

**PUBLIC HEARING CONDUCTED - PLAT APPROVED:** Mayor Brain opened a public hearing to allow citizens to comment on the preliminary and final plat 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, and asked if anyone present wished to speak. No comments were heard; therefore, the Mayor closed the public hearing. Motion was made by Mayor Pro-tem Spradling, seconded by Council Member Loftis, to approve the plat as requested. The motion carried by the following vote:

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

**QUESTIONS AND COMMENTS FROM CITIZENS:** None were heard.

**EXECUTIVE SESSION:** Mayor Brain stated that in compliance with Chapter 551, Govt. Code, Vernon's Texas Codes Annotated, Section 551.071 Consultations with Attorney; Section 551.072 Real Property; Section 551.074 Personnel Matters, and Section 551.096 Economic Development Incentives, the Council would retire into executive session to discuss the following:

1. Water Rights
2. Grant and Assignment of Easements and Equipment for Water System
3. Real Property

**COUNCIL RETURNED TO OPEN SESSION:** Following the executive session, Mayor Brain reconvened the regular meeting and stated that the Council discussed Water Rights, Grant and Assignment of Easements and Equipment for Water System and Real Property. Following discussion, motion was made by Mayor Pro-tem Spradling, seconded by Council Member Loftis, to authorize the purchase of water rights, easements and equipment, and real property from Degussa Engineered Carbons, L.P. The motion carried by the following vote:

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

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

**ATTEST:**

\_\_\_\_\_  
Mayor

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