

**REGULAR MEETING OF CITY COUNCIL
MARCH 20, 2007**

1:30 P.M.

PRESENT: Jeff Brain Mayor
Garrett Spradling Mayor Pro-tem
Charles Loftis Council Member
Charles Gillingham Council Member
Leon DeWeese Council Member

STAFF: Wanda Klause City Manager
Eddie Edwards Assistant City Manager
Larry Mullenix Director, Planning & Zoning
Jimmy Adams Police Chief
Glynn Carlock Director of Finance
Henry Veach Director of Public Works
Jimmy Adams Police Chief

VISITORS: Dan Redd CEO, BEDC
Wendel Price
Judy Mihm
Norma Luginbyhl
Meryl Barnett
David Brown
Jana Knoll
Raymond Loftis

NEWS MEDIA: Michelle Berry Borger News Herald

MONTHLY DEPARTMENTAL REPORTS APPROVED: Following review of the monthly departmental reports for February, motion was made by Council Member Loftis, seconded by Council Member Gillingham, 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 March 6, 2007, motion was made by Mayor Pro-tem Spradling, seconded by Council Member Loftis, 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: The expenditures for the first half of March were submitted for the consideration of the Council. Following discussion, motion was made by Council Member DeWeese, seconded by Council Member Gillingham, to approve

payment of the expenditures for the first half of March as submitted. The motion carried by the following vote:

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

MID-YEAR REPORT OF BORGER ECONOMIC DEVELOPMENT CORPORATION

APPROVED: Chief Executive Officer of the Borger Economic Development Corporation Dan Redd submitted the 2006-2007 Mid-Year report for the review of the City Council. Following discussion, motion was made by Council Member Loftis, seconded by Council Member Gillingham, to approve the report. The motion carried by the following vote:

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

ORDINANCE NO. O-003-07 INTRODUCED: Mayor Brain explained Council actions to date concerning Ordinance No. O-003-07 creating a sexual offender safety zone in the City of Borger. The Council held a public hearing on March 6, 2007 to allow for public comment; the Council is being asked to introduce the ordinance on first reading; and, schedule a public hearing for April 3, 2007 to allow for public comment; and, to consider the ordinance on final reading. Following discussion, motion was made by Council Member Spradling, seconded by Council Member Gillingham, to introduce Ordinance No. O-003-07 and schedule a public hearing for 1:30 p.m., April 3, 2007 to allow for public comment. 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 Raymond Sisneros and Garry Hannon to pave the alley in Block 14, Original Townsite between Hedgecoke and Deahl at an estimated cost of \$1,603.00. Mr. Mullenix requested permission to establish an escrow account to receive funds for the paving of this alley. Following discussion, motion was made by Council Member Loftis, seconded by Council Member DeWeese, to authorize the staff to establish an escrow account for paving of the alley 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.

PRELIMINARY AND FINAL RE-PLAT RECEIVED - PUBLIC HEARING

SCHEDULED: Director of Planning & Zoning Larry Mullenix submitted a recommendation from the Planning & Zoning Commission to re-plat Fairlanes Unit Twelve, Section 32, Block Y, A&B Survey, consider and approve a preliminary and final plat from Terry Washer for a 1.008 acre tract in Section 32, Block Y, A & B Survey. Following discussion, motion was made by

Council Member Spradling, seconded by Council Member Gillingham, to receive the plat and schedule a public hearing for 1:30 p.m., April 3, 2007 to allow for public comment. The motion carried by the following vote:

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

TWO MEMBERS APPOINTED TO THE PLANNING & ZONING COMMISSION:

Director of Planning & Zoning Larry Mullenix submitted a memo from the Planning and Zoning Commission recommending the Council consider appointing two members to fill expired terms on the Planning and Zoning Commission. The Commission submitted the names of four individuals to be considered for appointment. Following discussion, motion was made by Council Member Loftis, seconded by Council Member DeWeese, to appoint Greg Fleming and Bobby Kenimer to serve three year terms. Terms to expire March 31, 2010. The motion carried by the following vote:

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

PARKHILL, SMITH & COOPER AUTHORIZED TO DEVELOP SPECIFICATIONS FOR METAL BUILDING IN COFIELD PARK:

Mayor Brain appointed a committee to make recommendations to the Council concerning the location, size and basic design of a building to be placed in Cofield Park and utilized as a community center. The committee met and determined that the size of the building needed to be 85' x 40' and recommended that an engineering firm be engaged to provide a basic design including suggested minimum specifications for a metal building. Following discussion, motion was made by Mayor Pro-tem Spradling, seconded by Council Member Gillingham, to authorize the staff to negotiate and enter into an agreement with Parkhill, Smith, and Cooper to provide a basic design and minimum specifications for the construction of a metal building to function as a community center. The motion carried by the following vote:

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

JOINT ELECTION ORDER APPROVED: A joint election order between the City of Borger and Hutchinson County to share common polling places and associated expenses in respect to the election scheduled for May 12, 2007, 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 joint election order. The motion carried by the following vote:

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

RETAIL FUEL CARD SERVICE CONTRACT APPROVED: Assistant City Manager Eddie Edwards and Director of Finance Glynn Carlock researched the State Fuel Contract

through the State Council on Competitive Government and the Texas Building and Procurement Commission. Their research reflected that the City should be in a position to save between \$500.00 and \$1,500.00 per month through the use of a state fuel contract procurement card and would spread the city's fuel purchases between local vendors. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Loftis, to authorize the staff to enter into a contract with the State for a retail fuel card and related services contract between the State Council on Competitive Government and the Texas Building and Procurement Commission. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

QUESTIONS AND COMMENTS FROM CITIZENS: Wendel Price addressed the Council concerning the Sex Offender Safety Zone. Mr. Price said he would like something added to the ordinance covering social arrests. He asked the Council to hold off until after the May election.

Glynn Carlock notified the Council of an account that was established to receive donations for the purchase of furniture and other items for the proposed Cofield Community Building.

BORGER FIRE DEPARTMENT PRESENTATION: Bob Watson, Assistant Fire Chief, addressed the Council stating the fire department's newest piece of equipment, Ladder Truck No. 7, would be dedicated to use by the City Fire Department in the near future. Mr. Watson invited the Council and audience to a demonstration of the new equipment.

EXECUTIVE SESSION: Mayor Brain stated that in compliance with Chapter 551, Govt. Code, Vernon's Texas Codes Annotated, Section 551.071 Consultation with Attorney on matters concerning pending litigation the Council would retire into executive session to discuss the following:

Garcia-Ramos vs. City of Borger

COUNCIL RETURNED TO OPEN SESSION: Following the executive session, Mayor Brain reconvened the regular meeting and stated that the Council discussed pending litigation filed by Garcia-Ramos. No decisions were made and no action was taken.

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

Mayor

ATTEST:

City Secretary