

**REGULAR MEETING OF CITY COUNCIL
NOVEMBER 4, 2008**

1:30 P.M.

PRESENT:	Jeff Brain	Mayor
	Leon DeWeese	Council Member
	Charles Gillingham	Council Member
	Marvin Dickson	Council Member
	Robert Vinyard	Council Member
STAFF:	Wanda Klause	City Manager
	Eddie Edwards	Assistant City Manager
	Larry Mullenix	Director of Planning & Zoning
	Ted Dodd	Director of Public Works
	Ralph Earles	Asst. to Director of Public Works
	Jimmie Adams	Police Chief
	Bruce Roberts	Police Captain
	Bob Watson	Fire Chief
VISITORS:	Judy Mihm	
	Joyce Trigg	
NEWS MEDIA:	Michelle Berry	Borger News Herald

QUESTIONS OR COMMENTS: None.

MINUTES APPROVED: Following review of the minutes of the regular meeting of October 21, 2008, motion was made by Council Member Dickson, seconded by Council Member Gillingham, 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 last half of October were submitted for the consideration of the Council. Following discussion, motion was made by Council Member DeWeese, seconded by Council Member Vinyard, to approve payment of the expenditures for the last half of October as submitted. The motion carried by the following vote:

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

RESOLUTION NO. R-020-08 ESTABLISHING AN IDENTITY THEFT PREVENTION PROGRAM APPROVED:

Assistant City Manager Eddie Edwards submitted Resolution No. R-020-08 establishing and adopting an Identity Theft Prevention Program and asked the Council to consider adopting same. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Dickson, to approve Resolution No. R-020-08 establishing an Identity Theft Prevention program as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

The resolution reads as follows:

RESOLUTION R-020-08

**A RESOLUTION OF THE CITY OF BORGER,
TEXAS, ESTABLISHING AND ADOPTING AN
IDENTITY THEFT PREVENTION PROGRAM.**

WHEREAS, The Federal Trade Commission adopted rules, including the “Red Flags Rule,” requiring certain creditors to adopt an Identity Theft Prevention Program in order to implement Section 114 of the Fair and Accurate Credit Transactions Act of 2003; and,

WHEREAS, the Red Flags Rule defines “creditor” to include all municipally-owned and operated utility companies; and,

WHEREAS, the City owns and operates, and provides utility services and/or accepts payments for municipal utility services; and,

WHEREAS, an Identity Theft Prevention Program has been developed as a policy of the City, and is attached hereto and incorporated herein as Exhibit A (“Program”); and,

WHEREAS, the City Council has reviewed the Program and believes it fulfills, complies and implements the Red Flags Rule and other requirements outlined by the Federal Trade Commission; and,

WHEREAS, the City Council finds that it is in the public interest to approve the Program.

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

The Identity Theft Prevention Program attached hereto as Exhibit A is hereby adopted and implemented as a policy of the City of Borger, effective immediately.

PASSED, APPROVED, AND ADOPTED, on this the 4th day of November, 2008, at a regular meeting of the City Council of the City of Borger, Texas which meeting was held in compliance with the Open Meetings Act, Tex Gov't Code, §551.001, et.seq. at which meeting a quorum was present and voting.

PUBLIC HEARING CONDUCTED ON RAMOS PLAT: Larry Mullenix, Director of Planning & Zoning, reviewed the Preliminary and Final Plat of all of Tract 1-A, 1-B, and the N/2 of Tract 1-D of Section 17, Block Y, M&C Survey, submitted by Jose Ramos. Mayor Brain opened a public hearing on the plat to allow for public comments. No comments were heard; therefore, the public hearing was closed. No further action was taken.

PUBLIC HEARING SCHEDULED: Larry Mullenix, Director of Planning & Zoning, reviewed events following submission of a recommendation from the Building Standards Commission to demolish property located at 819 Roosevelt, Lot 8, and the E/42' of Lot 9, Block 48, Isom Addition. The owner of the property, Cathy McWilliams, filed a request to appeal the recommendation to the City Council; however, Ms. McWilliams was not present to appeal her case. Mr. Mullenix stated that after further review of the Code of Ordinances he found that a public hearing was required in such cases. Following discussion, motion was made by Council Member DeWeese, seconded by Council Member Gillingham, to schedule a public hearing for November 18, 2008 to hear Ms. McWilliams' appeal. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

ONE (1) OPERATION FACELIFT CONTRACT APPROVED: One operation facelift contract was submitted for consideration of demolition and cleanup of structure(s) located on the following properties:

1. 326 Coble Street (rear), Lots 30-32, Block 50, Original Townsite

Following discussion, motion was made by Council Member Dickson, seconded by Council Member Gillingham, to approve demolition of the structure(s) as requested. The motion carried by the following vote:

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

RECOMMENDATION FROM BUILDING STANDARDS COMMISSION APPROVED: After proper notice and hearings the Building Standards Commission submitted a letter to the Council recommending the demolition of the following properties:

- (a) 1123 Hackberry, Lot 18, Block Tract 36, RR R-O-W Addition
- (b) 402 S. Hedgecoke, Lot 1, Block 20, Isom Addition
- (c) 404 S. Hedgecoke, Lot 1, Block 20, Isom Addition

Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Dickson, to approve demolition and cleanup of the recommended properties. The motion carried by the following vote:

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

PUBLIC HEARING SCHEDULED TO CONSIDER HISTORIC LANDMARK AND DISTRICT ZONING ORDINANCE: Larry Mullenix, Director of Planning & Zoning, explained the concept and benefits of the City of Borger attaining the designation of a certified local government status. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Dickson, to receive a Historic Landmark and District Zoning Ordinance and schedule a public hearing for December 16, 2008 to hear citizen comments. The motion carried by the following vote:

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

BID AWARDED: The following bids were received and tabulated for the consideration of the Council.

ITEM: Two (2) police vehicles

<u>BIDDER</u>	<u>PRICE</u>
Country Chevrolet Borger, Texas	\$82,902.00
Caldwell Country Chevrolet Caldwell, Texas	\$72,726.00

Following discussion, motion was made by Council Member DeWeese, seconded by Council Member Vinyard, to award bid to Caldwell Country Chevrolet for their low bid of \$72,726.00. The motion carried by the following vote:

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

MEETING ADJOURNED: Motion was made by Council Member Gillingham, seconded by Council Member Dickson, to adjourn the meeting. The motion carried by the following vote:

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

Mayor

ATTEST:

City Manager