

Council Member Dickson, seconded by Council Member DeWeese, to approve payment of the expenditures for the first half of April as submitted. The motion carried by the following vote:

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

PUBLIC HEARING CONDUCTED: Mayor Jeff Brain opened a public hearing on an Interlocal Agreement between the City of Borger and Hutchinson County that was approved at the Council meeting of April 7, 2009. Further, Resolution No. R-008-09 was also approved by the Council at the Council Meeting of April 7, 2009 authorizing the submission of the Recovery JAG Application to the Bureau of Justice Assistance office. Mayor Brain asked if anyone present wished to speak concerning these matters. No comments were heard; therefore, the Mayor closed the public hearing. No action was taken.

ORDINANCE NO. O-002-09 APPROVED: City Manager/City Secretary Wanda Klause submitted Ordinance No. O-002-09 for final reading. The purpose of this ordinance is to declare an unopposed candidate in the May 9, 2009 General Election, elected to office, cancel the election and establish an effective date. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Gillingham, to approve Ordinance No. O-002-09 on final reading. The motion carried by the following vote:

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

The captioned ordinance reads as follows:

**AN ORDINANCE DECLARING AN UNOPPOSED CANDIDATE IN THE
MAY 9, 2009 GENERAL ELECTION, ELECTED TO OFFICE, CANCELING
THE ELECTION; PROVIDING A SEVERABILITY CLAUSE; AND
PROVIDING AN EFFECTIVE DATE**

TOURISM SERVICES REPORT AND PROPOSED BUDGET OF CHAMBER

RECEIVED AND APPROVED: Beverly Benton, CEO, Chamber of Commerce, submitted a tourism services report for 2008-2009 and a proposed budget for April 2009 – March 31, 2010. Ms. Benton gave a detailed report of Chamber tourism activities and events, and reviewed their proposed budget for 2009-2010. Following discussion, motion was made by Council Member DeWeese, seconded by Council Member Dickson, to receive and approve the tourism services report for 2008-2009 and proposed budget for 2009-2010. The motion carried by the following vote:

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

MID-YEAR REPORT FOR BORGER ECONOMIC DEVELOPMENT CORPORATION

APPROVED: Dan Redd, CEO, Borger Economic Development Corporation, submitted the BEDC's mid-year report and asked the Council to consider same. Following discussion, motion

was made by Council Member Dickson, seconded by Council Member Gillingham, to receive and approve the BEDC's mid-year report. The motion carried by the following vote:

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

JOHNSON PARK YOUTH CENTER CONSTRUCTION CHANGE REQUESTS

APPROVED: Eddie Edwards, Assistant City Manager, submitted change requests 12, 13, 14, 15, 16, and 17 from Plains Builders, Inc. for the Johnson Park Youth Center Complex. These construction change requests total \$76,193.00 and are broken down as follows:

12.	Install 4" vinyl base in gym	\$ 1,095.00
13.	Installation of 60" valve box	\$ 1,447.00
14.	Pool mechanical room re-model	\$ 73,651.00
15.	Water heater chase	\$ 6,664.00 *no action
16.	Move water heater to mechanical room	\$ 9,188.00 **no action
17.	Request of calendar days delay	<u>\$.00</u>
	Total	\$ 92,045.00

Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Gillingham, to approve construction change request #12 as submitted by Plains Builders, Inc. The motion carried by the following vote:

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

Motion was made by Council Member DeWeese, seconded by Council Member Vinyard, to approve construction change request #13 as submitted by Plains Builders, Inc. The motion carried by the following vote:

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

Motion was made by Council Member DeWeese, seconded by Council Member Dickson, to approve construction change request #14 as submitted by Plains Builders, Inc. The motion carried by the following vote:

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

*No action was taken on change request #15.

**No action was taken on change request #16.

Motion was made by Council Member Vinyard, seconded by Council Member Gillingham, to approve construction change request #17 as submitted by Plains Builders, Inc. The motion carried by the following vote:

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

A total of \$76,193.00 in change requests were approved.

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 property:

1. 1216 Indiana, Lot 8, Block 5, Huber Addition

Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Dickson, to approve demolition of the structure as requested. 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, and Ted Dodd, Director of Public Works, explained the need for the equipment.

ITEM: Transfer Crane

<u>BIDDER</u>	<u>EQUIPMENT</u>	<u>BID</u>	<u>INSTALL</u>	<u>TOTAL</u>
HESSCO Eden Prairie, MN	Builtrite 1300	122,520	Included	122,500
Crane Equipment Eugene, OR	Grissly 2135W	100,000	25,000	125,000
Robert's Diesel Works Orlando, FL	Prentice E-2180	113,913	11,600	125,513

Following review and discussion, motion was made by Council Member Vinyard, seconded by Council Member DeWeese, to award bid to HESSCO for their low bid of \$122,500. The motion carried by the following vote:

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

The motion carried by the following vote:

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

RESOLUTION NO. R-009-09 ADOPTING A WATER CONSERVATION PLAN FOR THE CITY OF BORGER MUNICIPAL WATER SYSTEM APPROVED: Director of Utilities Jim Harder explained that House Bill 4 in 2007 amended the Texas Water Code to require retail public utility companies submit a water conservation plan to the Texas Water Development Board by May 1, 2009. Mr. Harder stated that Resolution No. R-009-09 meets this requirement. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Dickson, to approve Resolution No. R-009-09 adopting the City of Borger Water Conservation Plan. The motion carried by the following vote:

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

The resolution reads as follows:

RESOLUTION NO. R-009-09

A RESOLUTION OF THE CITY OF BORGER TEXAS, ADOPTING A WATER CONSERVATION PLAN FOR THE CITY OF BORGER MUNICIPAL WATER SYSTEM

WHEREAS, the City Council of the City of Borger, Texas, recognizes that the amount of water available to the Borger Municipal Water System and to its customers is limited and subject to depletion during periods of extended drought; and,

WHEREAS, the City Council of the City of Borger, Texas, recognizes that natural limitations due to drought conditions and other acts of God cannot guarantee an uninterrupted water supply for all purposes; and,

WHEREAS, Title 30, Section 288.2, Texas Administrative Code requires all public water supply systems in Texas to prepare a water conservation plan; and,

WHEREAS, as authorized under law, and in the best interests of the customers of the City of Borger Municipal Water System, the City Council deems it expedient and necessary to establish policies for the efficient management of limited water supplies.

WHEREAS, the City Council further finds, determines and declares that the meeting at which this resolution has been considered and acted upon was held in strict compliance with the Open Meetings Act, Tex Gov't Code, §551.001, et.seq.

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

SECTION 1. The Revised Water Conservation Plan attached hereto as Exhibit "1" is hereby adopted as the official policy of the City of Borger Municipal Water System.

SECTION 2. The Management Staff and Employees of the City of Borger Municipal Water System are hereby directed to implement, administer and enforce the Water Conservation Plan.

SECTION 3. This resolution shall take effect immediately upon its passage.

PASSED, APPROVED, AND ADOPTED, on this the 21st day of April, 2009, 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.

MEETING ADJOURNED: There being no further business, motion was made by Council Member Dickson, seconded by Council Member DeWeese, to adjourn the meeting. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Mayor

ATTEST:

City Manager