

**REGULAR MEETING OF CITY COUNCIL  
OCTOBER 6, 2009**

**1:30 P.M.**

<b>PRESENT:</b>	Jeff Brain	Mayor
	Leon DeWeese	Council Member
	Charles Gillingham	Council Member
	Marvin Dickson	Council Member
	Robert Vinyard	Council Member
<b>STAFF:</b>	Wanda Klause	City Manager
	Eddie Edwards	Asst. City Manager
	Glynn Carlock	Director of Finance
	Larry Mullenix	Planning & Zoning Director
	Danny Richards	Director EOC
	Ted Dodd	Director of Public Works
	Jimmy Adams	Chief of Police
	Bruce Roberts	Lieutenant
	Ralph Earles	Asst. to Director Public Works
<b>VISITORS:</b>	Robert Ratchford	Pastor, Borger Church of God
	Meryl Barnett	
	Ira Chilton	Architect
	Dennis Jack	CEO, Golden Plains Hospital
<b>NEWS MEDIA:</b>	Michelle Berry	Borger News Herald

**QUESTIONS AND COMMENTS FROM CITIZENS:** Citizens who have indicated their desire to speak to the City Council will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter is on the agenda, City Council members are prevented from acting on the subject and may respond only with statements of factual information or existing city policy; however, City Council members may request city staff to place the subject matter on a future agenda. Citizens are limited to three (3) minutes for their presentation to the City Council.

No comments were heard.

**MINUTES APPROVED:** Following review of the minutes of the special meeting of September 8, 2009, and regular meeting of September 15, 2009, motion was made by Council Member Gillingham, seconded by Council Member Dickson 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 DeWeese, seconded by Council Member Dickson, to approve payment of the expenditures for the last half of September as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**FIRST PUBLIC HEARING CONDUCTED – PROPOSED ANNEXATION:** Mayor Jeff Brain opened the first public hearing on the proposed annexation of a 16.79 acre tract of land in Section 23, A&B Survey, Hutchinson County, Texas and asked if anyone present wished to speak. Dennis Jack, CEO, Golden Plains Community Hospital, reviewed plans for a new hospital to be constructed on this site if annexed into the corporate limits of Borger. No comments were heard; therefore, the Mayor closed the public hearing. No action necessary.

**PUBLIC HEARING CONDUCTED – REZONING REQUEST NO. 282 APPROVED:** Mayor Jeff Brain opened a public hearing on Rezoning Request No. 282 rezoning 211 E. Second, Lots 15 & 16, Block 59, Original Townsite, from General Residence to Commercial, and asked if anyone present wished to comment. No comments were heard; therefore, the Mayor closed the public hearing. Motion was made by Council Member DeWeese, seconded by Council Member Vinyard, to approve rezoning request No. 282, rezoning of 211 E. Second, Lots 15 & 16, Block 59, Original Townsite, from a General Residence Zoning District to a Commercial Zoning District. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**HOUSING AUTHORITY BOARD MEMBER APPOINTMENTS MADE:** Assistant City Manager Eddie Edwards submitted a letter from the Housing Authority detailing the need for two regular appointments to fill expiring terms, and one appointment to fill the term of a resident board member. Ms. Moneymaker, Executive Director of the Housing Authority, said that the terms of Garry Hannon, Linda Chisholm, and resident board member Doris True expired on August 22, 2009. Following discussion, motion was made by Council Member Dickson, seconded by Council Member DeWeese, to re-appoint Linda Chisholm and Garry Hannon to two year terms respectfully, and re-appoint Doris True as resident board member. Terms to expire August 22, 2011. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**ORDINANCE NO. O-007-09 APPROVED:** Larry Mullenix, Director of Planning & Zoning, submitted for final reading Ordinance No. O-007-09 to amend the zoning district map as it pertains to the rezoning of Lots 15-16, Block 59, Original Townsite, from a General Residence zoning district to a Commercial zoning district. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Gillingham, to approve the ordinance 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 AMENDING THE ZONING DISTRICT MAP OF THE CITY OF BORGER, TEXAS**

**RESOLUTION NO. R-013-09 PERTAINING TO AN ENERGY EFFICIENCY BLOCK**

**GRANT APPROVED:** Assistant City Manager Eddie Edwards submitted a resolution pursuing all energy efficiency conservation block grant funding made available through the American Reinvestment and Recovery Act, and asked the Council to authorize the City Manager to execute all relevant documentation reaffirming the City's commitment toward energy efficiency. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Dickson, to approve Resolution No. R-013-09 as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

The resolution reads as follows:

**RESOLUTION R-013-09**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BORGER PURSUING ALL ENERGY EFFICIENCY CONSERVATION BLOCK GRANT FUNDING MADE AVAILABLE THROUGH THE AMERICAN REINVESTMENT AND RECOVERY ACT AND ALLOCATED THROUGH THE STATE ENERGY CONSERVATION OFFICE; AUTHORIZING THE CITY MANAGER OR HIS/HER DESIGNEE TO EXECUTE ALL RELEVANT DOCUMENTATION; AND REAFFIRMING THE CITY OF BORGER'S COMMITMENT TOWARD ENERGY EFFICIENCY**

**WHEREAS**, Congress passed the American Recovery and Reinvestment Act (ARRA) of 2009 and the President signed into law on February 17, 2009, to stimulate the economy and create jobs; and,

**WHEREAS**, ARRA included \$3.2 billion in funding for the Energy Efficiency and Conservation Block Grants (EECBG) Program authorized in Title V, Subtitle E of the Energy Independence and Security Act (EISA) and signed into law on December 19, 2007; and,

**WHEREAS**, the purpose of the EECBG program is to reduce fossil fuel emissions in a manner that is environmentally sustainable and to the maximum extent practicable, maximizes benefits for local and regional communities; reduces the total energy use of

eligible entities; and, improves the energy efficiency in the building sector, the transportation sector, and other appropriate sectors; and,

**WHEREAS**, the City of Borger (City) is a city with limited financial resources and desires to support the development of energy efficiency programs; and,

**WHEREAS**, the City accepts its allocation and may also accept additional funds that may become available at a later date; and,

**WHEREAS**, the City has developed or is interested in developing a EECBG project, which is sustainable and has measurable energy savings, job creation, and economic stimulus effects into the City; and,

**WHEREAS**, the City is determined to support energy efficiency projects that leverage federal funds with other public and private resources, including coordinated efforts involving other Federal programs targeting community development; and,

**WHEREAS**, the City intends to comply with all agreed upon contractual requirements of the ARRA, the EECBG program and other federal and state law:

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

#### **SECTION 1**

**THAT**, the City, through the City Manager or his/her authorized designee, pursue all EECBG funding made available through the ARRA, allocated by the State Energy Conservation Office to be used to assist in reaching the City's goals of energy efficiency.

#### **SECTION 2**

**THAT**, the City Manager or his/her authorized designee is hereby authorized to execute all documents relevant to this EECBG Project and/or reporting requirements to the ARRA.

#### **SECTION 3**

**THAT**, the City continue its commitment toward energy efficiency for the citizens of Borger and all of Texas.

#### **SECTION 4**

**THAT**, this resolution shall take effect immediately upon its passage.

**PASSED, APPROVED, AND ADOPTED**, on this the 6<sup>th</sup> day of October, 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.

**RESOLUTION NO. R-014-09 APPROVED:** Ted Dodd, Director of Public Works, submitted a resolution requesting permission to apply for a 2010 regional solid waste grants program through the Panhandle Regional Planning Commission. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Vinyard, to approve Resolution No. R-014-09 as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

The resolution reads as follows:

### **RESOLUTION NO. R-014-09**

#### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, AUTHORIZING THE SUBMISSION OF A FY 2010 REGIONAL SOLID WASTE GRANTS PROGRAM APPLICATION TO THE PANHANDLE REGIONAL PLANNING COMMISSION (PRPC) AND AUTHORIZING THE CITY MANAGER TO REPRESENT THE CITY IN ALL MATTERS PERTAINING TO THIS APPLICATION**

**WHEREAS**, the citizens of the State of Texas, either directly or indirectly, pay into a state managed solid waste tipping fee fund which provides the Texas Commission on Environmental Quality (TCEQ) the funding to administer a variety of programs designed to afford the state a higher degree of environmental protection; and

**WHEREAS**, a portion of these TCEQ-administered tipping fee funds have been made available to the state's local governments through the regional councils of governments of Texas to provide grants for regional/local solid waste management projects; and

**WHEREAS**, the primary intent of these grant funds is that they be used to implement/enhance programs at the regional/local level which promote the management goals of the regional and state solid waste plans; and

**WHEREAS**, the City of Borger is eligible to receive these funds and desires to undertake a program which advances the solid waste management goals and objectives of the state solid waste management plan and the Panhandle Regional Solid Waste Management Plan.

**NOW THEREFORE**, be it resolved by the City Council of the City of Borger, Texas:

1. That the City Council has reviewed the project details and has duly authorized the submission of a related grant application to the PRPC.
2. That City is applying for funds to equip and implement a program to be known as the **City of Borger Compost and Yard Waste Reduction Enhancement Project**.
3. That the City Council designates the City Manager to act as it's duly authorized

Representative in all matters pertaining to this application.

4. That any grant funds received will be used for their intended purpose.
5. That as a condition of funding, the City of Borger agrees to provide the necessary certifications and assurances required by the TCEQ.

**PUBLIC HEARING SCHEDULED:** Larry Mullenix, Director of Planning & Zoning, submitted a request from Hutchinson County Hospital District to re-zone a 20 acre tract located in Section 23, Block Y, A & B Survey, from Estate/Agriculture to Commercial. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Dickson, to receive the re-zoning request and schedule a public hearing for 1:30 p.m., November 3, 2009 to allow for public comment. 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 property described herein as substandard and cannot reasonably be repaired and has ordered the demolition thereof as provided in the Substandard Building Ordinance.

The properties in question are located at the following sites:

1. 1219 Roberts, Lot 10, Block 13, Phillips Addition
2. 331 Deahl, Lot 1, Block 51, Original Townsite Addition
3. 1310 Yows, Lot 6, Block 8, Coronado Terrace

Following discussion, motion was made by Council Member Vinyard, seconded by Council Member DeWeese, to approve the recommendation submitted by the Building Standards Commission to demolish property located at 1219 Roberts, 331 Deahl, and 1310 Yows. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**ORDINANCE NO. O-009-09 AMENDING CHAPTER 13, UTILITIES, SECTION 13.02.039, UPDATED DROUGHT CONTINGENCY PLAN INTRODUCED:**

Ordinance No. O-009-09 amending Chapter 13, Utilities, Section 13.02.039 with an updated drought contingency plan was submitted on first reading for the consideration of the City Council. Following discussion, motion was made by Council Member Gillingham seconded by Council Member Dickson, to introduce Ordinance No. O-009-09 on first reading. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**SECOND PUBLIC HEARING CONDUCTED – PROPOSED ANNEXATION:** Mayor Jeff Brain opened a second public hearing on the proposed annexation of a 16.79 acre tract of land in Section 23, A&B Survey, Hutchinson County, Texas and asked if anyone present wished to speak. Dennis Jack, CEO, Golden Plains Community Hospital, reviewed plans for a new hospital to be constructed on this site if annexed into the corporate limits of Borger. No comments were heard; therefore, the Mayor closed the public hearing. No action necessary.

**EXECUTIVE SESSION:** Mayor Brain stated that in compliance with Chapter 551, Govt. Code, Vernon's Texas Codes Annotated, the Council would retire into executive session relative to Section 551.074, Personnel.

- a. Discuss the pending retirement of the Director of Finance along with the duties and possible reassignment of the duties of this office.

**COUNCIL RETURNED TO OPEN SESSION:** Following the executive session, Mayor Brain reconvened the regular meeting and stated that the Council discussed the retirement of the Finance Director. Motion was made by Council Member Vinyard, seconded by Council Member DeWeese, to regretfully accept the retirement of Glynn Carlock as Director of Finance effective December 31, 2009. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

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

Ayes: All members present voted aye.

Nays: None.

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Mayor

**ATTEST:**

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City Manager