

Member Vinyard, to approve the minutes as submitted. 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 February were submitted for the consideration of the Council. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Gillingham, to approve payment of the expenditures for the last half of February as submitted. The motion carried by the following vote:

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

REQUEST FROM DOWNTOWN MERCHANTS APPROVED: Mike Scales, President, Downtown Merchants Association, requested the following pertaining to the annual Beach Bash:

- a. Permission to block off 400, 500, 600 and 700 blocks of North Main Street, including any side streets within this area, with the use of city barricades on Saturday, June 4, 2011 between the hours of 7:00 a.m. to 6:00 p.m.
- b. Provide sand to be placed in the 500 block of Main Street.
- c. Provide trash cans and dumpsters.
- d. Permission to use the City Hall parking lot from 8:00 a.m. to 6:00 p.m.
- e. Use of available electrical outlets in the planter boxes and the small parks located in the 500 and 600 blocks of N. Main Street.
- f. Permission to place port-a-potties in the same locations as requested previously (back of City Hall and Back of park in the 500 Block of N. Main).

Following discussion, motion was made by council Member Vinyard, seconded by Council Member Gillingham, to grant annual approval to close blocks 400, 500, 600 and 700 of North Main Street for the annual beach bash. The motion carried by the following vote:

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

ORDINANCE O-001-11 AMENDING THE FY 2010-2011 OPERATING BUDGET INTRODUCED: City Manager Eddie Edwards stated this Ordinance is to properly reflect the revenue and expenditures from the proceeds from the award of a Solid Waste Grant. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Vinyard, to introduce Ordinance O-001-11 amending the FY 2010-2011 operating budget. The motion carried by the following vote:

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

The caption of Ordinance O-001-11 reads as follows:

ORDINANCE O-001-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, AMENDING THE CITY'S BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010 AND ENDING SEPTEMBER 30, 2011 AS ADOPTED BY ORDINANCE O-004-10; PROVIDING FOR SUPPLEMENTAL APPROPRIATIONS ; PROVIDING THAT ALL PRIOR ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT WITH OR IN CONFLICT WITH ANY OF THE PROVISIONS OF THIS ORDINANCE ARE HEREBY EXPRESSLY REPEALED TO THE EXTENT OF ANY SUCH INCONSISTENCY OR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION R-001-11 AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE DEPARTMENT OF JUSTICE'S SAFE AND DRUG FREE SCHOOL PROGRAM APPROVED:

Lt. Anthony Griffin addressed the council concerning a grant application to the Department of Justice's Safe and Drug Free School Program. Lt. Griffin stated that the Council has allowed the department to apply for this annual grant in previous years and submitted the following Resolution, which would authorize the department to make application for the 2011-2012 school year:

RESOLUTION R-001-11

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS AUTHORIZING THE SUBMISSION OF A FY 2011-2012 GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION (CJD) AND DESIGNATING THE CITY'S AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE CJD GRANT PROGRAM

WHEREAS, the City of Borger has participated in the development of a FY 2011-2012 Community Plan which identified the priority needs, available resources, and related gaps in service within the Criminal Justice infrastructure of the area served by the City of Borger; and,

WHEREAS, the need to address juvenile crime was identified as a priority need within the Community Plan; and,

WHEREAS, the City of Borger desires to address this need(s) by continuing to support programs known as the Borger High School Resource Officer Program and the Borger Middle School Resource Officer Program; and,

WHEREAS, the City of Borger agrees to provide applicable matching funds for the said project as required by the CJD Grant Application.

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

1. **THAT** an FY 2011-2012 CJD Grant Application is hereby authorized to be filed on behalf of the City of Borger with the Governor’s Criminal Justice Division.
2. **THAT** the application be for funds to provide continued support for the Borger High School Resource Officer Program and the Borger Middle School Resource Officer Program being operated with the Borger Independent School District.
3. **THAT** the Borger City Council directs and designates the City Manager as the City of Borger’s authorized official and that he be given the power to apply for, accept, reject, alter or terminate the Grant on behalf of the City of Borger.
4. **THAT** in the event of loss or misuse of CJD funds, the governing body assures that funds will be returned to CJD in full.

PASSED, APPROVED, AND ADOPTED, on this the 1st day of March, 2011, 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.

Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Gillingham, to approve Resolution R-001-11 as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

BID AWARDED FOR WHEEL LOADER: Director of Public Works Ted Dodd, submitted the recommendation for a wheel loader. The following bids were received and tabulated:

<u>Vendor</u>	<u>Base Price</u>	<u>Year Model</u>	<u>Hours</u>
Warren Cat of Amarillo	\$88,531.72	2006	4,800
Warren Cat of Amarillo	\$89,683.43	2008	5,600

Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Vinyard, to award bid to Warren Cat of Amarillo for the 2008 Wheel Loader for the amount of \$89,683.43. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

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 Sections 551.071, Consult with Attorney, 551.072, Real Property, 551.074, Personnel Matters.

- a. Discuss contemplated litigation against Aerial Vista and AmaTech-Tel.
- b. Discuss the position of Planning & Zoning Director.
- c. Discuss Lease Agreement with Phillips Municipal Golf Course.

COUNCIL RETURNED TO OPEN SESSION: Following the executive session, Mayor Brain reconvened the regular meeting and announced that the Council discussed Sections 551.071, Consult with Attorney, 551.072, Real Property, and 551.074, Personnel Matters.

- a. Contemplated litigation against Aerial Vista and AmaTech-Tel.
- b. The position of the Planning and Zoning Director.
- c. A Lease Agreement with Phillips Municipal Golf Course.

Motion was made by Council Member Vinyard, seconded by Council Member Gillingham, to authorize City Attorney Angelique Weaver to initiate appropriate legal action against Ariel Vista and AmaTech-Tel on or after April 1, 2011. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

No action taken on item (b) position of the Planning and Zoning Director.

Motion was made by Council Member Gillingham, seconded by Council Member Vinyard, to approve the Lease Agreement between Phillips Country Club and the City of Borger as submitted.

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

Ayes: All members present voted aye.

Nays: None.

Mayor

ATTEST:

City Secretary