

**REGULAR MEETING OF CITY COUNCIL
MARCH 15, 2016 - 1:30 P.M.**

PRESENT:	Robert Vinyard	Mayor
	Marvin Dickson	Mayor Pro-Tem
	Karen Felker	Council Member
	Odis McClellan	Council Member
	Charles Gillingham	Council Member

STAFF:	Eddie Edwards	City Manager
	Stella E. Sauls	City Secretary
	Scott Radach	Director, Finance Department
	Byron Swafford	Director, Human Resources
	Anthony Griffin	Judge, Municipal Court
	Al Rodela	City Marshal
	Kenneth Petr	Director, Planning & Zoning
	John Montoya	Code Enforcement Officer
	Bruce Roberts	Chief, Police Department
	Ted B. Dodd	Director, Public Works
	James Harder	Director, Utilities
	Rhonda Miller	IT Specialist

VISITORS:	Rev. Rob Frary	Pastor
	Rev. Charles Griffin	Jesse Shuffield
	Marty Vinyard	Meryl Barnett
	Nellie Villasenor	Domingo Villasenor
	Andrew Friedman	Lisa Vinyard
	Terry Washer	Dennis Paetzuld
	Garry Hannon	Glen Asthon

NEWS MEDIA: Tabitha Fleming

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 heard.

MINUTES APPROVED: Following review of the minutes of the work session and regular meeting of March 1 2016, motion was made by Council Member Dickson, seconded by Council Member Gillingham, to approve the minutes of the work session and regular meeting of March 1, 2016. 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 2016 were submitted for the consideration of the Council. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Dickson, to approve payment of the expenditures of the first half of March 2016 as submitted. The motion carried by the following vote:

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

BID FOR ASBESTOS ABATEMENT ON THE FORMER BLACK HOTEL AND PROPOSAL FOR TECHNICAL SERVICES APPROVED: Director of Planning and Zoning Kenneth Petr submitted a bid from P&W Abatement for the asbestos abatement of the former Black Hotel and a proposal from APEX Technical Services for asbestos services. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Gillingham to:

- a. Approve the bid of \$246,000.00 from P&W Abatement for the asbestos abatement of the former Black Hotel, 419 S. Main, and

The motion carried by the following vote:

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

- b. approve the proposal in the amount of \$50,600.00 for mandated asbestos services from APEX Technical Services.

The motion carried by the following vote:

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

RESOLUTION R-005-16 APPROVINIG AND AUTHORIZIING THE PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION APPROVED: City Manager Eddie Edwards introduced Andrew Friedman who discussed the issuance of certificates of obligation for the purposed projects for the City of Borger. Mr. Edwards stated that this Resolution directs the City Secretary to publish the intent to issue debt as required by State statute. Following discussion, motion was made by Council Member Felker,

seconded by Council Member Dickson, to approve Resolution R-005-16 approving and authorizing the publication of Notice of Intention to Issue Certificates of Obligation. The motion carried by the following vote:

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

SALE OF ENTITY OWNED PROPERTY APPROVED: City Manager Eddie Edwards presented a letter from Carrie Kimmell, Hutchinson County Tax Assessor/Collector with a bid on property locate at the following locations:

- a. 622 Madison St. (Lot 6, Block 38, Isom Addition) \$1,500.00 Raul Zaragoza
- b. 910 Jackson St. (Lot 10, Block 52, Isom Addition) \$350.00 Cleotide Munoz
- c. 1104 Carpenter St. (Lot 7, Block 30, Gateway Heights Addition) \$10,000.00 Maria Ayala
- d. 702 & 704 McPherson (Lots 17 & 18, Block 10, Rock Creek Addition) \$600.00 Benjamin and Shelly Gariepy

Following discussion, motion was made by Council Member Felker, seconded by Council Member Dickson on the following:

- a. to accept a bid of \$1500 from Raul Zaragoza for the property located at 622 Madison St. (Lot 6, Block 38, Isom Addition)
- b. to accept a bid of \$350.00 from Cleotide Munoz for the property located at 910 Jackson St. (Lot 10, Block 52, Isom Addition)
- c. to accept a bid of \$10,000.00 from Maria Ayala for the property located at 1104 Carpenter St. (Lot 7, Block 30, Gateway Heights Addition)
- d. to accept a bid of \$300.00 from Benjamin and Shelly Gariepy for the property located at 702 & 704 McPherson (Lots 17 & 18, Block 10, Rock Creek Addition)

The motion carried by the following vote:

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

RE-ZONING REQUEST RECEIVED – PUBLIC HEARING SCHEDULED: Director of Planning and Zoning Kenneth Petr explained to the Council that the Planning and Zoning Commission held a public hearing on February 22, 2016, and approved a request from Mr. David Dacus to re-zone Lots 9-12, Block 56, Original Townsite Addition. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Gillingham, to receive and consider the request to re-zone Lots 9-12, Block 56, Original Townsite Addition to a Commercial (C) zoned district from a General Residence (GR) district and a Retail (R) zoned district and schedule a public hearing for April 5, 2016. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

RE-ZONING REQUEST RECEIVED – PUBLIC HEARING SCHEDULED: Director of Planning and Zoning Kenneth Petr explained to the Council that the Planning and Zoning Commission held a public hearing on February 22, 2016, and approved a request from Mr. Terry Washer to re-zone Lots 1-11, Block 2, Philview Unit 4 Section 1 Addition. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Gillingham, to receive and consider the request to re-zone Lots 1-11, Block 2, Philview Unit 4 Section 1 Addition to a Commercial (C) zoned district from a General Residence (GR) district and schedule a public hearing for April 5, 2016. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

OPERATION FACELIFT CONTRACT APPROVED: Director of Planning and Zoning Kenneth Petr explained to the Council that the property owner signed an Operation Facelift Contract and has paid a deposit of \$200.00, so demolition can begin. Following discussion motion was made by Council Member Dickson, seconded by Council Member Gillingham, to approve the Operation Facelift Contract between Mrs. Culwell and the City of Borger for the removal of the structure at 114 Pecan (Lot 10, Block 4, Philview I Addition). The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

CHANGE IN 2015-2016 FY BUDGET FROM REPLACEMENT OF FAIRLANES LIFT STATION TO THE ARLINE LIFT STATION APPROVED: Director of Utilities Jim Harder explained to the Council the Arline Lift Station now submersible pump would be replaced with an above ground station which will drop into the existing wet well with a minimum of effort. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Dickson, to approve the change in project scope from the Fairlanes Lift Station to the Arline Lift Station in the FY2015-2016 Budget. The motion carried by following vote:

Ayes: All members present voted aye.

Nays: None.

EXECUTIVE SESSION: Mayor Vinyard stated that in compliance with Chapter 551, Texas Govt. Code, (Open Meetings Law), the Council would retire into executive session relative the Texas Govt. Code, Section 551.071 Consultations with Attorney and Section 551.074 Personnel Matters:

- a. Discuss pending litigation (City of Borger vs. T.P. Gas) on two (2) tracts of land and an overhead power line easement on the J.P. Price and May Anglin Surveys.
- b. Discussed City Manager Annual Evaluation.

COUNCIL RETURNED TO OPEN SESSION: Following the executive session, Mayor Vinyard reconvened the regular meeting and announced that the Council discussed items relative the Texas Govt. Code, Section 551.071 Consultations with Attorney and Section 551.074 Personnel Matters.

- a. Discussed pending litigation (City of Borger vs. T.P. Gas) on two (2) tracts of land and an overhead power line easement on the J.P. Price and Mary Anglin Surveys.

No action taken.

- b. Discussed City Manager Annual Evaluation.

Following discussion, motion was made by Council Member Felker, seconded by Council Member Gillingham, to approve a one time performance bonus of five (5) percent, and approve Amendment #1 to the Employment Agreement between Eddie Edwards and the City of Borger. 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.
Nay: None.

Mayor

ATTEST:

City Secretary