

**REGULAR MEETING OF CITY COUNCIL
SEPTEMBER 20, 2016 - 1:30 P.M.**

PRESENT:	Robert Vinyard	Mayor
	Marvin Dickson	Mayor Pro-Tem
	Odis McClellan	Council Member
	Karen Felker	Council Member
	Milton Ooley	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 and Zoning
	Bruce Roberts	Chief, Police Department
	Ted B. Dodd	Director, Public Works
	Chris Ingram	Director, Utilities
	Rhonda Miller	IT Specialist

VISITORS:	Chris Haley	M. O. Rosser
	Scott Honeyfield	Barbara Goodgion
	Larry Goodgion	Marty Vinyard
	Johnny Miller	Arlie Washer

NEWS MEDIA: Alex Mann

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.

Mr. Chris Haley addressed the Council about the closing of Carbon Road. Mr. Haley stated that Carbon Road is a means of exit if there were a disaster.

Mr. Johnny Miller thanked the Council for donations to the Choral Department at Frank Phillips College.

Judge Griffin recognized two dispatchers, Jessica Rowe and Naomi Martinez, for their action on an incident occurring August 24, 2016.

MINUTES APPROVED: Following review of the minutes of the work session and regular meeting of September 6, 2016, motion was made by Council Member Dickson, seconded by Council Member Felker, to approve the minutes of the work session and regular meeting of September 6, 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 September 2016 were submitted for the consideration of the Council. Following discussion, motion was made by Council Member Felker, seconded by Council Member Dickson, to approve payment of the expenditures for the first half of September 2016 as submitted. The motion carried by the following vote:

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

ORDINANCE 0-008-16, MAKING APPROPRIATIONS IN SUPPORT OF THE 2016-2017 BUDGET APPROVED: City Manager Eddie Edwards submitted the proposed operating budget for 2016-2017. Motion was made by Council Member Felker, seconded by Council Member Ooley, to approve on final reading Ordinance O-008-16, making appropriations in support of the general operation of the City of Borger for the year beginning October 1, 2016 and ending September 30, 2017. The motion carried by the following vote acknowledged by show of hands:

Ayes: Mayor Vinyard, Council Member's Dickson, Felker, and Ooley.
Nays: Council Member McClellan.

The caption of Ordinance O-008-16 reads as follows:

ORDINANCE O-008-16

AN ORDINANCE MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY OF BORGER FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017; PROVIDING FOR THE APPROPRIATION OF AN INTEREST AND SINKING FUND TO PAY INTEREST AND PRINCIPAL ON THE CITY'S INDEBTEDNESS; PROVIDING FOR THE ADOPTION OF THE ANNUAL BUDGET OF THE CITY OF BORGER, TEXAS FOR THE 2016-2017 FISCAL YEAR; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET; AUTHORIZING SPECIFIC BUDGET ADJUSTMENT AUTHORITY TO THE CITY MANAGER; PROVIDING FOR THE RATIFICATION OF BUDGETED APPROPRIATION TRANSFERS IN THE 2015-2016 FISCAL YEAR; PROVIDING A REPEALING CLAUSE;

PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE

ORDINANCE O-009-16 ON CITY'S 2016-2017 PROPOSED AD VALOREM TAX RATE

APPROVED: City Manager Eddie Edwards submitted to the Council the proposed ad valorem tax rate of 0.863490 per \$100 valuation which is the is lower than the effective tax rate of 0.863494. Motion was made by Council Member Felker, seconded by Council Member Dickson to approve on final reading Ordinance O-009-16 setting the City of Borger's combined ad valorem tax rate at 0.863490 per \$100 valuation. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

The caption of Ordinance O-009-16 reads as follows:

ORDINANCE O-009-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, FIXING THE AD VALOREM TAX RATE AND PROVIDING FOR THE LEVYING OF AD VALOREM TAXES FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF BORGER, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017 AT THE RATE OF \$0.863490 PER ONE HUNDRED DOLLARS (\$100.00), AND FOR DIRECTING THE ASSESSMENT THEREOF; PROVIDING FOR A DATE ON WHICH SUCH TAXES BECOME DUE AND DELINQUENT TOGETHER WITH PENALTIES AND INTEREST THEREON; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF

ORDINANCE O-010-16 AMENDING CHAPTER 13, UTILITIES APPROVED: City Manager Eddie Edwards explained that Ordinance O-010-16 is to adjust the industrial well water rates only. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Felker, to approve on final reading Ordinance O-010-16 amending Chapter 13, Utilities. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

The caption of Ordinance O-010-16 reads as follows:

ORDINANCE O-010-16

AN ORDINANCE AMENDING THE CITY OF BORGER, CODE OF ORDINANCES, CHAPTER 13, UTILITIES, SECTION 13.04.010;

PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE

ORDINANCE O-011-16 AMENDING THE CODE OF ORDINANCES, CHAPTER 4, ARTICLE 4.06, PEDDLERS AND SOLICITORS, REGULATING PEDDLERS, SOLICITORS, ITINERANT MERCHANTS, AND CANVASSERS APPROVED:

City Manager Eddie Edwards explained that he had spoken with the City Marshal about some aspects of the Ordinance that needed to be changed. Following discussion, motion was made by Council Member Ooley, seconded by Council Member Dickson, to approve on final reading Ordinance 0-11-16 amending Chapter 4, Article 4.06, Peddlers & Solicitors. The motion carried by the following vote:

- Ayes: Mayor Vinyard, Council Member's Dickson, Felker, and Ooley.
- Nays: Council Member McClellan.

The caption of Ordinance O-011-16 reads as follows:

ORDINANCE O-011-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, AMENDING THE CITY OF BORGER CODE OF ORDINANCES, CHAPTER 4, BUSINESS REGULATIONS; ARTICLE 4.06, PEDDLERS AND SOLICITORS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION R-011-16 AND RESOLUTION R-012-16 APPROVED:

City Manager Eddie Edwards explained the Resolutions to the Council that this Resolution would allow PRPC to handle the grant application process for the City of Borger. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Felker, to approve Resolution R-011-16 authorizing the City Manager to execute an Interlocal Agreement with the PRPC for grant application development and potential grant management related to the Texas Community Block Development Program 2017-2018 cycle. The motion carried by the following vote:

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

Resolution R-011-16 reads as follows:

RESOLUTION R-011-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE PANHANDLE REGIONAL PLANNING COMMISSION FOR THE SUBMISSION AND POTENTIAL ADMINISTRATION OF A TEXAS

**COMMUNITY DEVELOPMENT PROGRAM GRANT
APPLICATION**

WHEREAS, the City of Borger is desirous of applying to the Texas Department of Agriculture (TDA) for infrastructure assistance through the 2017/2018 Texas Community Development Block Grant (TxCDBG) program; and,

WHEREAS, the Interlocal Cooperation Act included in Chapter 791 of the Texas Government Code provides for contractual agreements between governmental entities; and,

WHEREAS, 2 CFR 200.318(e) encourages the use of interlocal agreements from the federal level; and,

WHEREAS, the Texas Department of Agriculture has issued a recommendation that communities applying under the 2017/2018 TxCDBG program consider contracting professional services for grant application preparation and potential grant administration (if funded) prior to application submission; and,

WHEREAS, the City of Borger desires to contract the grant application preparation and potential grant administration (if funded) of its 2017/2018 TxCDBG application for Community Development Funds through an interlocal cooperation contractual agreement with the Panhandle Regional Planning Commission (PRPC); and,

WHEREAS, the PRPC shall provide grant application preparation services related to the 2017/2018 TxCDBG program at no cost.

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

1. that the City Manager is authorized to execute an interlocal contract with the PRPC under the Interlocal Cooperation Act for grant application preparation and potential grant management (if funded) services for City of Borger's activities related to the 2017/2018 TxCDBG program.

PASSED, APPROVED, AND ADOPTED, on this the 20th day of September, 2016, 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, Texas Gov't Code, §551.001, et. seq. at which meeting a quorum was present and voting.

City Manager Eddie Edwards explained that this Resolution falls under a new requirement for Federally funded grants. Following discussion, motion was made by Council Member Felker, seconded by Council Member Dickson, to approve Resolution R-012-16 selecting in engineering firm to act as the City's engineer for engineering services related to grant application development and potential project management for the Texas Community Block Development Program 2017-

2018 cycle. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Resolution R-012-16 reads as follows:

RESOLUTION R-012-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, SELECTING AN ENGINEERING FIRM TO SERVE AS PROJECT ENGINEER FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION AND POTENTIALLY PROJECT ENGINEERING IF FUNDED

WHEREAS, the City of Borger is applying for grant assistance under the Texas Community Development Program operated by the Texas Department of Agriculture; and,

WHEREAS, the City of Borger has completed the Request for Proposals process required under the Professional Services Procurement Act, and has ranked those firms submitting proposals based upon qualifications and ability to perform; and,

WHEREAS, the City of Borger believes that Parkhill, Smith and Cooper is the most qualified of those proposing firms to perform the desired services; and,

WHEREAS, the City of Borger is desirous to use the services of Parkhill, Smith and Cooper to serve as project engineer for the Community Development Block Grant (CDBG) Application, and, if funded, further negotiations for project engineering will occur under this Agreement; and,

WHEREAS, the City of Borger and Parkhill, Smith and Cooper will enter into a contractual agreement for engineering services for the development of a CDBG Application and, if funded, further negotiations for project engineering will occur under this Agreement.

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

1. the City of Borger has selected Parkhill, Smith and Cooper to provide engineering services for the City's participation in the CDBG Program and hereby authorizes the City Manager to execute any and all documents to effectuate said engineering services contract.

PASSED, APPROVED, AND ADOPTED, on this the 20th day of September, 2016, 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, Texas Gov't Code, §551.001, et. seq. at which meeting a quorum was present and voting.

BID AWARD FOR THE RENOVATION OF THE MUNICIPAL BUILDING APPROVED:

City Manager explained that there were three bids for the Municipal Building; Scott Honeyfield from Parkhill, Smith and Cooper addressed the Council and explained how the bids were scored. Following discussion, motion was made by Council Member Felker, seconded by Council Member Dickson, to award the bid to renovate the Municipal Building in the amount of \$609,960 be awarded to Plains Builders. The motion carried by the following vote:

Ayes: Mayor Vinyard, Council Member's, Dickson, Felker, and Ooley.

Nays: Council Member McClellan.

MULTIPLE TANK PAINTING PROJECT CONSTRUCTION CHANGE REQUEST APPROVED:

City Manager Eddie Edwards explained that the ground storage tank on the West Well Field southeast of Fritch needs immediate repair. Scott Honeyfield with Parkhill, Smith and Cooper explained the necessary repairs in detail to the Council. Following discussion motion was made by Council Member Felker, seconded by Council Member Dickson, to approve the quote from H20 for \$74,500 to remove and replace the bottom tub ring and floor on the West Well Field Ground Storage Tank and CCR#2 for \$10,000 to repair the flaking paint on the Eleventh Street Elevated Storage Tank. The motion carried by the following vote:

Ayes: Mayor Vinyard, Council Member's Dickson, Felker, and Ooley.

Nays: Council Member McClellan.

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 located at the following location:

- a. East Tenth Street (Lots 7-9, Block 35, Coronado Addition)

Following discussion, motion was made by Council Member Felker, seconded by Council Member McClellan, to accept a bid of \$3,000.00 from Lauren Dickson for the property located at East Tenth Street (Lot 7-9, Block 35, Coronado Addition). The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

NEW MEMBER APPOINTED TO ZONING BOARD OF ADJUSTMENT – RESOLUTION R-013-16 APPROVED:

Director of Planning and Zoning Kenneth Petr, submitted a recommendation to appoint one member to the Zoning Board of Adjustment. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Felker, to approve Resolution R-013-16, appointing Brandon West as alternate member of the Zoning board of Adjustment. This term will expire June 30, 2019. The motion carried by the following vote:

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

Resolution R-013-16 reads as follows:

RESOLUTION R – 013-16

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF
BORGER, TEXAS APPOINTING ONE ALTERNATE MEMBER
TO THE ZONING BOARD OF ADJUSTMENT**

WHEREAS, due to the expiration of terms, one vacancy has occurred on the Zoning Board of Adjustment; and,

WHEREAS, pursuant to the provisions of Chapter 14, Zoning, Section 14.07.001 of the Code of Ordinances of the City of Borger, Texas, the City Council desires to appoint one alternate member to the Zoning Board of Adjustment, to perform the duties and responsibilities as provided by said Chapter 14.

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

1. **THAT** Brandon West is hereby appointed to serve as an alternate member of the Zoning Board of Adjustment to a term which will expire on June 30, 2019;
and,
2. **THAT** this resolution shall be recorded in the minutes of the City Council and filed for permanent recorded in the office of the City Secretary.

PASSED, APPROVED, AND ADOPTED, this the 20th day of September, 2016, 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.

OPERATION FACELIFT CONTRACT APPROVED: Director of Planning and Zoning Kenneth Petr explained to the Council that the property owner's son, Tim Millard, signed an Operation Facelift Contract and has paid a deposit of \$300.00, so demolition may begin. Following discussion, motion was made by Council Member Dickson, seconded Council Member Ooley, to approve the Operation Facelift Contract between Mr. Millard and the City of Borger for the removal of the structures at 1311 Jolly St. The motion carried by the following vote:

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

POLICE DEPARTMENT BID AWARD APPROVED: Police Chief Bruce Roberts of the Borger Police Department explained to the Council that the City could get three (3) brand new 2016 police vehicles if bid is awarded and order placed immediately. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Ooley, to award the bid for three (3) fully equipped Police Package 2016 Ford Interceptor SUV's to Defender Supply. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

REGULAR MEETING FOR OCTOBER 4, 2016 CANCELLED: Due to the Council attending the Texas Municipal League Conference a motion was made by Council Member Felker, seconded by Council Member Dickson, to cancel the regular meeting of October 4, 2016. 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 Felker, to adjourn the meeting. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Mayor

ATTEST:

City Secretary