

**REGULAR MEETING OF CITY COUNCIL
MARCH 2, 2010**

1:30 P.M.

PRESENT: Jeff Brain Mayor
Leon DeWeese Council Member
Marvin Dickson Council Member
Robert Vinyard Council Member
Charles Gillingham Council Member

STAFF: Wanda Klause City Manager
Eddie Edwards Asst. City Manager
Stella E. Sauls City Secretary
Larry Mullenix Planning & Zoning Director
Jimmy Adams Chief, Police Department
Bruce Roberts Captain, Police Department
Anthony Griffin Lieutenant, Police Department
Jason Whisler Lieutenant, Police Department
Danny Richards Director EOC
Ralph Earles Asst. Director of Public Works
Scott Radach Finance Director

VISITORS: Andy Dietz First Baptist Church
Mike Scales
Meryl Barnett
Arlie Washer
Doug Reese
John Ray
Pat Rendon
Garry Hannon
Alton Carpenter

NEWS MEDIA: 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 regular meeting of

March 2, 2010, 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: The expenditures for the last half of February were submitted for the consideration of the Council. Following discussion, motion was made by Council Member DeWeese, seconded by Council Member Vinyard, 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 500, 600, and 700 blocks of North Main Street, on Saturday, June 5, 2010 between the hours of 7:00 a.m. to 6:00 p.m.
- b. Provide barricades
- c. Provide sand to be placed in the 500 Block of Main Street
- d. Provide trash cans and dumpsters
- e. Permission to use the City Hall parking lot and the parking lot across from the Morley Theater from 8:00 a.m. to 6:00 p.m.
- f. Permission to place trailer in the 500 block of Main Street as a stage for the Idol Contest
- g. Use of available electrical outlets in the planter boxes and the small park located in the 500 and 600 blocks of N. Main Street
- h. Provide for police walk through

Following discussion, motion was made by Council Member Vinyard, seconded by Council Member DeWeese, to grant permission and provide materials as requested by the Downtown Merchants pertaining to the annual Beach Bash on June 5, 2010, with the exception of speaking with the owner of the Morley Theater about the possibility of any conflict concerning the use of the parking lot in the 700 block of N. Main St.; and, work with Mr. Ted Dodd on the placement of portable potties. The motion carried by the following vote:

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

ORDINANCE NO. 0-001-10 INTRODUCED - PUBLIC HEARING SET: Larry Mullenix, Director of Planning & Zoning, submitted Ordinance O-001-10. The purpose of this ordinance is to amend Chapter 10, Subdivision Regulations, definitions and fees, for the consideration of the council. Following discussion, motion was made by Council Member Dickson, seconded by

Council Member Gillingham, to introduce Ordinance O-001-10 on first reading. The motion carried by the following vote:

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

RECOMMENDATION 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 property in question is located at the following site:

1. 123 Froma, Lot 30, Block 8, North Hills Addition

Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Dickson, to approve the recommendation submitted by the Building Standards Commission to demolish property located at 123 Froma, Lot 30, Block 8, North Hills Addition. The motion carried by the following vote:

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

PUBLIC HEARING SCHEDULED TO CONSIDER APPEAL OF BUILDING STANDARDS DECISION:

Larry Mullenix, Director of Planning & Zoning, reviewed events following submission of the recommendation from the Building Standards Commission to demolish property located at 409 S. Hedgecoke and 219-221 W. Jefferson, Lot 28-29, Block 11, Isom Addition. The owner of the property, Penny Hodges, filed a request to appeal the recommendation of the Building Standards Commission. Following discussion, motion was made by Council Member Dewese, seconded by Council Member Vinyard, to schedule a public hearing for March 16, 2010 to hear Ms. Hodges' appeal. The motion carried by the following vote:

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

RESOLUTION R-003-10 AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE DEPARTMENT OF JUSTICE'S SAFE AND DRUG FREE SCHOOL PROGRAM APPROVED:

The following resolution was submitted for consideration of the council:

RESOLUTION R-003-10

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS AUTHORIZING THE SUBMISSION OF

**A FY 2011 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 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 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 Lt. Anthony Griffin 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 2nd day of March, 2010, 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 Govt. Code, §551.001, et.seq. at which meeting a quorum was present and voting.

Following discussion, motion was made by Council Member Dickson, seconded by Council Member DeWeese, to approve Resolution R-003-10 as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nay: None.

RACIAL PROFILING REPORT RECEIVED FROM CITY OF BORGER POLICE

DEPARTMENT: Capt. Bruce Roberts of the Borger Police Department stated that the Racial Profiling Report was created in compliance with the Texas Racial Profiling Law. There were changes to the Senate Bill this year that will require the Police Department to begin reporting electronically in 2011. The City of Borger prohibits the practice of Racial Profiling among its officers, and provides video or voice recordings on all traffic and pedestrian stops. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Dickson,

to receive the Police Departments' 2009 Racial Profiling Report. The motion carried by the following vote:

Ayes: All members voted aye.

Nay: None.

RECOMMENDATION FROM HUTCHINSON COUNTY APPRAISAL DISTRICT FOR DISPOSITION OF PROPERTY APPROVED:

Chief Appraiser of the Hutchinson County Appraisal District Diana' Hooks submitted a recommendation to dispose of Lot 20, Block 7, Huber Addition, which did not sell at a tax sale auction. Ms. Hooks stated that a bid of \$5,000.00 was received for this property; further, she stated that the lot is valued at \$10,029.21. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member DeWeese to approve the sale of this property to Garry Hannon for the bid price of \$5,000.00. The motion carried by the following vote:

Ayes: All members present voted aye.

Nay: None.

RESOLUTION R-004-10 AUTHORIZING SUBMISSION OF A GRANT APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE'S RURAL COMMUNITY BOOTSTRAP BUCK PROGRAM APPROVED:

Beverly Benton, Executive Director of the Borger Chamber of Commerce, submitted the following resolution for consideration by the council;

RESOLUTION R-004-10

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE (TDA) FOR THE PURPOSE OF PARTICIPATING IN THE TDA'S GO TEXAS RURAL COMMUNITY BOOTSTRAP BUCKS PROGRAM SUMMER CELEBRATION, DESIGNATING THE CITY'S AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE TDA GRANT PROGRAM, AND CERTIFYING THAT THE APPLICANT IS ELIGIBLE TO RECEIVE PROGRAM ASSISTANCE

WHEREAS, the City of Borger (CITY) is a GO TEXAN Rural Community Program certified member and is fully eligible to receive assistance under the Program; and,

WHEREAS, the CITY acknowledges that it is applying for a grant from the GO TEXAN Rural Community Bootstrap Bucks Program to help offset the cost of promotional activities associated with marketing local tourism events; and,

WHEREAS, the CITY wishes to authorize an official to represent the CITY in dealing with TDA concerning the Program.

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

1. **THAT** the CITY hereby certifies that it is eligible to receive assistance under the Program.
2. **THAT** the CITY hereby authorizes and directs the *Borger Chamber of Commerce* to act for the CITY in dealing with TDA for the purpose of the Program, and *Beverly Benton* is officially designated as the representative of the CITY in this regard.
3. **THAT** the CITY hereby specifically authorizes the above-named official to do all acts necessary to apply for and receive assistance from the Program related to the *Summer Celebration* that will take place in *Borger, Texas* on *the 15th* during the month of July, 2010.
4. **THAT** Beverly Benton is authorized to execute on behalf of the CITY any licenses or other documents required by TDA for CITY's participation in the Program.

PASSED, APPROVED, AND ADOPTED, on this the 2nd day of March, 2010, 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 Govt. Code, §551.001, et.seq. at which meeting a quorum was present and voting.

Following discussion, motion was made by Council Member Dickson, seconded by Council Member Gillingham, to approve Resolution R-004-10 as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nay: 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 Section 551.074, Personnel Matters.

- a. Discuss the potential appointment of City Manager.

COUNCIL RETURNED TO OPEN SESSION: Following the executive session, Mayor Brain reconvened the regular meeting and stated that the Council discussed Section 551.074, Personnel Matters. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Vinyard, to appoint Eddie Edwards City Manager, effective April 1, 2010 pending approval of employment contract. The motion carried by the following vote:

Ayes: All members present voted aye.

Nay: None.

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.

Nay: None.

Mayor

ATTEST:

City Secretary