

**REGULAR MEETING OF CITY COUNCIL
JULY 6, 2010 - 1:30 P.M.**

PRESENT:	Leon DeWeese Robert Vinyard Charles Gillingham	Mayor Pro-Tem Council Member Council Member
ABSENT:	Jeff Brain Marvin Dickson	Mayor Council Member
STAFF:	Eddie Edwards Stella E. Sauls Danny Richards Jimmy Adams Bruce Roberts Anthony Griffin Ted Dodd Larry Mullenix Larry Byrd Scott Radach	City Manager City Secretary E.O.C. Director Chief, Police Department Captain, Police Department Lieutenant, Police Department Director, Public Works Director, Planning and Zoning Code Enforcement Officer II Director, Finance Department
VISITORS:	Robert Hensley Judy Mihm Janet Huffine Dale Milner Dan Redd Vlandete Hensley Bill Carder Stanley Franks Brad Carpenter	Pastor, Bunavista Baptist Church
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.

Janet Huffine requested the Itinerant Merchant Ordinance be changed to reflect an increase in the amount charged each Itinerant Merchant per year.

MINUTES APPROVED: Following review of the minutes of the regular meeting of June 15, 2010, motion was made by Council Member Gillingham, seconded by Council 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 June 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 June as submitted. The motion carried by the following vote:

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

BOARD MEMBERS APPOINTED TO BORGER ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS: Dan Redd, Chief Executive Officer of the Borger Economic Development Corporation, submitted a letter to the Council requesting the appointment of two (2) new board members to serve three-year terms. Harvey Hathaway and Harvey Hilbert have served a total of six years each; therefore, they are not eligible for reappointment. The names of Jud Price and Mike Scales were recommended for consideration of appointment. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Vinyard, to approve appointment of Jud Price and Mike Scales to the Board of Economic Development. The motion carried by the following vote:

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

ORDINANCE O-002-10 APPROVED: Eddie Edwards, City Manager, submitted Ordinance O-002-10 modifying the Juvenile Curfew Ordinance and requested the Council approve same on final reading. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Gillingham, to approve Ordinance O-002-10 on final reading. The motion carried by the following vote:

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

The caption of Ordinance O-002-10 reads as follows:

ORDINANCE O-002-10

AN ORDINANCE AMENDING CHAPTER 8, OFFENSES AND NUISANCES, OF THE CODE OF ORDINANCES OF THE CITY OF BORGER, TEXAS MODIFYING THE CURFEW ORDINANCE; AS IS MORE FULLY SET OUT HEREIN;

**PROVIDING FOR PENALTIES AND AN EFFECTIVE DATE;
AND 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**

SCHOOL RESOURCE OFFICER INTERLOCAL AGREEMENT APPROVED: Eddie Edwards, City Manager, presented a revised Interlocal Agreement between the Borger Independent School District and the City of Borger for the 2010-2011 School Resource Officer Program. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Vinyard, that the Interlocal Agreement between the Borger Independent School District and the City of Borger for the 2010-2011 School Resource Officer Program be approved as submitted. The motion carried by the following vote:

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

PUBLIC HEARING CONDUCTED – 90 DAY EXTENSION GRANTED: Larry Mullenix., Director of Planning and Zoning, submitted a request from Mr. Dale Milner to appeal the recommendation to demolish structure(s) at 1224 Hazelwood (Lot 9, Block 6, Gateway Addition). Mr. Milner presented recent photographs to the Council showing progress made to said property.

Mayor Pro-Tem DeWeese asked for comments for the Planning and Zoning Department on the status of 1224 Hazelwood (Lot 10, Block 6, Gateway Addition). Larry Byrd, Coded Enforcement Officer, stated after seeing the photographs presented by Mr. Milner, he has made a difference in the property. Mr. Byrd explained to the Council that Planning and Zoning has been dealing with this property since 1994.

Mayor Pro-Tem DeWeese opened the public hearing. Council Member Vinyard asked questions of Mr. Milner referencing the length of time it has taken to make required renovations. Mr. Milner explained that he has been ill, he has been in school and leaves early in the morning and gets home late. He also stated his intention is to use this property as his residence. There being no other comments, Mayor Pro-Tem DeWeese closed public hearing.

Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Gillingham, to modify recommendation from Building Standards Commission and grant a 90-day extension to bring the outside of property up to code and make the entire property livable. The motion carried by the following vote:

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

PRELIMINARY AND FINAL PLAT RECEIVED – PUBLIC HEARING SCHEDULED:

Larry Mullenix, Director of Planning and Zoning, submitted 4.845 acres, located in the N/2 of section 23, Block “Y”, A & B Survey, Hutchinson County, Texas, to be platted as the Church of God Building Site (1430 Roosevelt) and requested the Council receive the plat and a schedule public hearing for July 20, 2010. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Vinyard, to receive the preliminary and final plat and schedule a public hearing for July 20, 2010 to allow for public comment on same. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

RESOLUTION R-010-10, AUHTORIZING THE SUBMISSION OF AN APPLICATION FOR A FY2011 TOBACCO COMPLIANCE GRANT APPROVED:

Lt. Anthony Griffin, Borger Police Department, explained the Tobacco Compliance Grant and the use of the funds provided from this grant. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Gillingham, that Resolution R-010-10, authorizing the submission of an application for a FY2011 Tobacco Compliance Grant be approved 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-010-10

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS AUTHORIZING THE SUBMISSION OF A FY 2011 GRANT APPLICATION TO THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS AND DESIGNATING THE CITY’S AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY’S PARTICIPATION IN THE FY2011 COMPTROLLER TOBACCO COMPLIANCE GRANT

WHEREAS, the City of Borger has participated in the past in the Comptroller Tobacco Compliance Grant which identifies the priority needs, provides available resources, and related gaps in service within this section of the Criminal Justice infrastructure of the area served by the City of Borger; and,

WHEREAS, the need to address the sale of Tobacco Products to underage persons, as well as the usage of Tobacco Products by underage persons, identified as a priority need within the Comptroller Tobacco Compliance Grant; and,

WHEREAS, the City of Borger desires to address this need(s) by continuing to support programs to greatly reduce the sale of Tobacco Products to underage persons, as well as the usage of Tobacco Products by underage persons, by utilizing funding, if awarded, from the FY2011 Comptroller Tobacco Compliance Grant; and,

WHEREAS, the City of Borger agrees to adhere to all regulations set forth in this grant and utilize any and all funding for such, as required by the funding agency, which is the Texas Comptroller of Public Accounts.

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

1. **THAT** an FY 2011 Comptroller Tobacco Compliance Grant Application is hereby authorized to be filed on behalf of the City of Borger with the Texas Comptroller of Public Accounts.
2. **THAT** the application be for funds to provide continued support for the enforcement and reduction in the sale of Tobacco Products to underage persons, as well as the usage of Tobacco Products by underage persons.
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 Comptroller Tobacco Compliance Grant funds, the governing body assures that funds will be returned to the Texas Comptroller of Public Accounts in full.

PASSED, APPROVED, AND ADOPTED, on this the 6th day of July, 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 Gov't Code, §551.001, et.seq. at which meeting a quorum was present and voting.

IPP-BUFFER ZONE PROTECTION PLAN SUB-RECIPIENT AGREEMENT

APPROVED: Lt. Anthony Griffin, Borger Police Department, explained what the IPP-Buffer Zone Protection Plan Sub-Recipient Agreement between the State of Texas Division of Homeland Security and the City of Borger involves. Lt. Griffin stated after completing a survey on protection of critical infrastructure the City of Borger qualified to receive \$194,000. Lt. Griffin submitted photographs to the Council on the project Homeland Security approved using the funds. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Vinyard, that the 2009 IPP-Buffer Protection Plan Sub-Recipient Agreement between the State of Texas Division of Homeland Security and the City of Borger be approved. 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 Gillingham, seconded by Council Member Vinyard, to adjourn. The motion carried by the following vote:

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

Mayor

ATTEST:

City Secretary